

HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.7355 of 2024

ORDER :

Petitioner/Accused No.8 has filed this petition under Section 438 of Cr.P.C., seeking anticipatory bail in Cr.No.143 of 2024 of P.S.Thirumalayapalem, registered for the offences under Sections 147, 294-B, 324, 427 r/w.149 of IPC.

2. Heard Sri Brahmaiah Chowdary Veerepalli, learned counsel for petitioner and the learned Additional Public Prosecutor appearing for the State.

3. The case of the prosecution is that on 13.05.2024 at 15.30 hours, accused Nos.1 to 7 in the case have attacked the complainant's brother and when the complainant and others interfered to rescue his brother, A-1 to A-7 have also attacked them with stones, keeping in mind the previous grudges.

4. It is contended by the learned counsel for petitioner that the name of the petitioner herein is not at all mentioned in the complaint as well as in the FIR, however, he has been later falsely implicated in this case. It is stated that on prior to the present complaint, accused No.2 in the present crime has lodged a complaint against the de facto complainant herein and the same has been registered as Crime No.142

of 2024, and hence, as a counter blast to the said complaint, the present case is registered against the petitioner herein. Accordingly, he prayed to grant bail to the petitioner/accused No.8.

5. The learned Additional Public Prosecutor opposed the application stating that though initially the crime was registered under different sections including Section 324 of IPC, later on, after receiving the injury certificate, the said Section has been replaced with Section 326 of IPC, and in view of the allegations levelled against the petitioner herein, the petitioner is not entitled for anticipatory bail at this stage.

6. On hearing both sides and upon perusal of the complaint and the remand case diary, it is apparent that the name of the petitioner was not at all given in the complaint as well as in the FIR, however, it was included subsequently. There is no specific allegation against the petitioner. Further, it has come on record that Crime No.142 of 2024 was registered against the de facto complainant herein, on the complaint given by accused No.2 in the present crime. Taking all these factors into consideration, this Court is of the considered view that the petitioner can be enlarged on bail.

7. Accordingly, this petition is allowed granting anticipatory bail to the petitioner/accused No.8 subject to the following conditions:

1. The petitioner/accused No.8 shall surrender before the Station House Officer of P.S.Thirumalayapalem within two weeks from today, and on such surrender, the said Station House Officer shall release him on bail on his executing a personal bond for Rs.20,000/- with two sureties each for the like sum.
2. The petitioner/accused No.8 shall abide by the other conditions stipulated in Section 438(2) Cr.P.C and co-operate with the Investigating Officer in investigating the case.

This petition is allowed accordingly.

JUVVADI SRIDEVI, J

Date: 15.07.2024

ajr