

HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.7524 of 2024

ORDER :

Petitioner/accused No.1 has filed this petition under Section 438 of Cr.P.C. seeking anticipatory bail in Crime No.402 of 2024 of P.S. AJ Mills Colony, registered for the offences under Sections 452, 342, 395 r/w. 34 of IPC.

2. Heard Sri Y.Soma Srinath Reddy, learned counsel for petitioner and the learned Additional Public Prosecutor appearing for the State.

3. The case of the prosecution is that the petitioner/accused No.1, along with other accused, have criminally trespassed into the house of *de facto* complainant and illegally restrained the complainant and his family members and threatened to kill them and also taken away goods worth Rs.23,00,000/-.

4. Learned counsel for petitioner submits that the petitioner herein is falsely implicated in the case as a counter blast to the complaint lodged by him against the *de facto* complainant, which was registered as a case in Crime No.263 of 2024. He further submits that the complainant has filed a civil suit seeking perpetual injunction, in which, the petitioner herein has filed an interlocutory application for rejection of plaint and the same was allowed by the trial Court. He further submits that though the incident had occurred on 26.05.2024,

the complaint was lodged on 13.06.2024, hence, there was a delay of 18 days in lodging the complaint. It is further contended that the entire investigation in the case is completed and only the charge sheet is to be filed, and hence, prayed for grant of bail.

5. The learned Additional Public Prosecutor, on the other hand, opposed the petition stating that specific allegations are levelled against the petitioner. He further submits that the investigation is in progress and charge sheet is yet to be filed, and if the petitioner is released on bail at this stage, he may tamper with the evidence, and hence, prayed to dismiss the petition.

6. Having heard both sides and perused the material on record, it is apparent that there is a delay of 18 days in lodging the complaint, considering that there is case and counter case between the petitioner herein and the complainant and as the disputes between the parties appear to be civil in nature, this Court is of the considered view that the petitioner can be granted anticipatory bail subject to the following conditions:

- i. The petitioner shall surrender before the Station House Officer of P.S. AJ Mills Colony, within two weeks from today, and on such surrender, the said Station House Officer shall release the petitioner on bail on executing a**

personal bond for Rs.20,000/- with two sureties, for the like sum each.

- ii. The petitioner shall appear before the concerned Station House Officer on every Sunday between 11.00 A.M. and 05.00 PM for a period of eight (08) weeks or till filing of charge sheet, whichever is earlier.**
- iii. The petitioner 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.**

Petition is accordingly allowed.

JUVVADI SRIDEVI, J

Date: 22.07.2024

Lk/rev