

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION Nos.13069, 13079 and 13007 OF 2024

COMMON ORDER:

Crl.P. No.13069 of 2024 is filed by the petitioner-Accused No.14; Crl.P. No.13079 of 2024 is filed by the petitioners-Accused Nos.5, 6, 9 and 12 and Crl.P. No.13007 of 2024 is filed by the petitioners-Accused Nos.7, 8, 10 and 11 under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha (for short 'BNSS') seeking regular bail in Crime No.170 of 2024 on the file of Chennur Police Station, Mancherial District, registered for the offences punishable under Sections 326(f), 49, 61(2) of Bharatiya Nyaya Sanhitha (for short 'BNS'), Section 3 of Prevention of Damage to the Public Property Act, 1984 (for short 'PDPP Act') and Section 3 of the Explosive Substances Act, 1908.

2. The case of the prosecution in brief was that on 17.09.2024, the Assistant Executive Engineer (Irrigation), Chennur lodged a report stating that Shaniga Kunta pond situated in Chennur had an ayacut of Acs.40.00 and the weir body wall of pond was blasted for a length of 39 meters on 16.09.2024 by some unknown persons. Basing on the said report, the Sub-Inspector of Police of PS Chennur registered the above mentioned crime.

Thereafter, police arrested A1 to A4 on 20.09.2024 and basing on the confession of A1 to A4, they affected the arrest of the present petitioners.

2. Heard Ms.Ayesha, learned counsel, representing Sri Macha Sai Krishna, learned counsel on record for the petitioner in Crl.P. No.13069 of 2024 and Sri P. Lakshma Reddy, learned counsel representing Sri Anuganti Praneeth, learned counsel on record for the petitioners in Crl. Nos.13079 and 13007 of 2024 and the learned Additional Public Prosecutor for the respondents.

3. The learned counsel for the petitioners in Crl.P. Nos. 13079 and 13007 of 2024 submitted that A1 to A4 initially did not indicate the names of the petitioners, however, after being taken into police custody a second confession was recorded, they stated about the involvement of the present petitioners at that time. The petitioners had no property on the upstream side of the Shaniga Kunta pond and they would derive no benefit by reducing the water level of the pond. There was no conceivable motive for the petitioners to abet the alleged crime. The allegations made against them were based on conjectures and surmises with no independent investigation to corroborate the confessions. There were no eye witnesses to the alleged crime and no circumstantial evidence was brought on record to suggest the involvement of the petitioners. The confessions of A1 to A4

could not be treated as substantive evidence. He further submitted that the main accused persons i.e. A1 to A4 and A13 were enlarged on bail by the trial court on 29.10.2024 vide Crl. M.P. No.396 of 2024.

4. The learned counsel for the petitioner in Crl.P. No.13069 of 2024 submitted that the petitioner-A14 was a senior citizen suffering with severe health issues and he was in need of regular medical diagnosis and prayed to enlarge the petitioner on bail.

5. The learned Additional Public Prosecutor opposed grant of bail to the petitioners stating that the petitioners due to their commercial interest had abetted A1 to A4 to commit the offence and got blasted the weir body wall of pond due to which the villagers were now suffering due to lack of water to their fields and also for drinking purpose, the petitioners were not entitled for grant of bail.

6. Perused the record. Considering that the entire case of the prosecution was based upon the confession of A1 to A4 and no documents were collected by the Investigating Officer to show that the petitioners had purchased lands on the upstream side of Shanigakunta pond and that they would derive benefit by reducing the water level of the pond and no evidence was collected to show that the petitioners had supplied the

blasting material or financially supported A1 to A4 and as they were in custody almost for the past one month, it is considered fit to enlarge the petitioners on bail.

7. In the result, the Criminal Petition is allowed and the petitioners-accused are granted regular bail subject to the following conditions:

- i) The petitioner-accused No.14 in Crl.P. No.13069 of 2024 and the petitioners-Accused Nos.5, 6, 9 and 12 in Crl.P. No.13079 of 2024 and the petitioners-Accused Nos.7, 8, 10 and 11 in Crl.P. No.13007 of 2024 are directed to be released on bail on their executing a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate of First Class, Chennur, Mancherial District.
- 2) The petitioners-accused in the above petitions shall abide by the conditions stipulated under Section 480 (3) of BNSS.

Miscellaneous applications, pending if any, shall stand closed.

November 04, 2024
KTL

Dr. G.RADHA RANI, J