

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.13491 of 2024

ORDER:

Seeking the Court to enlarge the petitioners who are arrayed as accused Nos.2 to 9 and 12 in Crime No.246 of 2024 of Kagaznagar Town Police Station, Asifabad District, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 14.10.2024, at 00:30 hrs, MD. Fayaz lodged a complaint at Kagaznagar Police Station, stating that his juice center workers were assaulted and abused by a group of individuals during a Durgamata Idol immersion procession on 13.10.2024, around 20:00 hrs. The attackers, including Kanna, Sai Vivek, and others, later went to Fayaz's juice shop, damaged it, and robbed Rs. 36,000/- after beating his brother Riyaz. Basing on the said complaint, the Police registered a case in Crime No.246 of 2024 for the offences punishable under Section 189(2), 191(2), 118(1), 324(4), 109, 310(2) read with 190 of Bharatiya Nyaya Sanhitha, 2023.

3. Heard Sri S. Surender Reddy, learned counsel appearing on behalf of the petitioners as well as Sri Syed Yasar Manoon, learned Additional Public Prosecutor appearing on behalf of the respondent-State.

4. Learned counsel for the petitioners submitted that the petitioners seek bail stating that the complaint and remand report lack specific allegations against them, and they were falsely implicated for statistical purposes and at the behest of the opposing group. He further submitted that the investigation is completed, and all the material witnesses were examined, and further detention of the petitioners is unnecessary. He contended that the petitioners have been in judicial custody since 14.10.2024, causing undue hardship to their families. The allegations are false and fabricated. The petitioners are residents of Kagaznagar, Kumurambeem Asifabad District, with movable and immovable properties, and are willing to furnish sureties as directed. He further contended that previously, bail application of the petitioners, *vide* CrI.M.P.No.258 of 2024, was dismissed by the Principal Sessions Judge, Asifabad, on 04.11.2024, without valid

reasons. Therefore, he prayed the Court to grant bail to the petitioners by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioners stating that there are other cases pending against some of the petitioners therefore, granting bail to them, at this stage, does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. After considering submissions from both the learned counsel and reviewing the record, despite allegations of attempted harm, the report of the Additional Public Prosecutor reveals that the de facto complainant sustained simple injuries, and further treatment is ongoing for L.W.3. Given the substantial completion of investigation and absence of criminal antecedents against the petitioners, this Court deems it fit to grant bail to the petitioners subject to the following conditions:

- i. The petitioners shall execute 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 Judicial Magistrate of First Class, Sirpur Town, Kumurambheem Asifabad District.

- ii. The petitioners shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8) weeks, for the purpose of investigation, and thereafter, as and when required.
- iii. The petitioners shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 12.11.2024
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