

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.14572 of 2024

ORDER:

Seeking the Court to enlarge the petitioners who are arrayed as accused Nos.6 to 8 in Crime No.118 of 2024 of Easgoan Police Station, Kumrambheem Asifabad District, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 26.10.2024, at about 07:00 a.m., on receiving credible information about galata taking place at village No.5, the Police went to the said place and found that the victim namely Md Abid, was tied to a tree and was beaten by the some of the people. When the Police tried to stop the same, they obstructed the Police and also broken SPM company vehicle bearing No.TS 20 C 6442. Hence, a case was registered vide Crime No.118 of 2024 before the Easgoan Police, Kumrambheem Asifabad District, for the offences punishable under Sections 191(3), 109, 121(1), 324(2) read with 190 of the BNS.

3. Heard Sri S.Lakshmikanth, 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 *firstly* submitted that the victim was harassing the minor girl under the pretext of love and when the minor girl informed about the same to her father, her father caught the victim with the help of the some of the villagers. He *secondly* submitted that the petitioners are innocent and they are no way concerned with the alleged offences as they gathered there only in view of the galata. He *thirdly* submitted that all the material witnesses were examined, and further detention of the petitioners is unnecessary. He *fourthly* submitted that the petitioners have been in judicial custody since 30.10.2024, causing undue hardship to their families. The allegations are false and fabricated. The petitioners are residents of Kaghaznagar Mandal, Kumrambheem Asifabad District, with movable and immovable properties, and are willing to furnish sureties as directed. He *lastly* submitted that previously, bail application of the petitioners, *vide* CrI.M.P.No.276 of 2024, was dismissed by the Principal Sessions Judge at Asifabad, on 20.11.2024,

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 the investigation is not yet completed, therefore, granting bail to the petitioners, at this stage, does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. After considering submissions from both the parties and reviewing the record, since the petitioners are gathered on the eve of diwali festival and meanwhile, there is a fight between both the parties. That apart material on record does not show any premeditation. In view of the same and material part of investigation is completed, 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 First Class

Magistrate at Sirpur-T,
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.(presently, Section 480(3) of the BNSS)

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 05.12.2024
gms

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