

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.9549 of 2025

ORDER:

This Criminal Petition is filed before this Court for grant of pre-arrest bail to the petitioners, who are arrayed as accused Nos.6 and 8 in FIR No.346 of 2024 on the file of the Subedari Police Station, Warangal District, registered for the offences punishable under 143, 147, 148, 448, 324, 427, 506 read with 149 of IPC, and Sections 3(1)(r)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, thereafter, basing on medical certificate, the Section 324 of IPC was altered to Section 326 of IPC Thereafter, basing on the second alteration memo, the Sections of law were altered to Sections 447, 326, 427, 506 read with 34 of IPC, and Sections (1)(r)(s), 3(2)(va) of SC/ST (Prevention of Atrocities) Act.

2. The case of the prosecution is that the *de facto* complainant lodged complaint before the Police on 14.06.2024 stating that he had 80 square yards of land situated in Survey No120/C, at Shayampet, Hunter Road, Hanamkonda, in the name of his wife, wherein, A1 to A9 with the encouragement of

A1, trespassed into the subject land and dismantled the compound wall and when neighbors who were residing in the house of brother of complainant, tried to question them, the A6 to A9 and others threatened them with sticks and rods and assaulted one Manda Raju, causing injuries to him, and further also hurled caste based abuses and also threatened with dire consequences. Basing on the same, a case was registered for the offences as alleged, which were later altered, as mentioned above. Aggrieved thereby, this Criminal Petition is filed.

3. Heard Sri B. Chandrasen Reddy, learned senior counsel for petitioners, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor, appearing for respondent – State.

4. Learned senior counsel for petitioners submitted that the allegations leveled against the petitioners are nothing but abuse of process of law. In support of the said submissions, he contended that earlier suits were filed by the petitioners and that apart, this Court disposed of WP.No.38294 of 2022 directing the respondents therein to take further action

pursuant to notice dated 09.10.2022 issued by them to the unofficial respondents in accordance with law, within a period of six (6) weeks from the date of receipt of copy of the said order, duly issuing notice to the unofficial respondents, and basing upon the said order, the Deputy Commissioner, Greater Warangal Municipal Corporation, Kazipet Circle – II, issued Roc.No.2/A2/34717/2022 dated 28.11.2022, wherein, it was stated that the house bearing No.23-6-194/5 is hereby cancelled, and also directed Smt Manda Jyothi to remove the unauthorized construction of tin shed within 7 days from the date of receipt of said order, failing which, the same will be removed by municipal office. He averred that the said direction would clearly show that there was no dismantle into the property of complainant and that the allegations as alleged against the petitioners are false and concocted.

5. Learned senior counsel for petitioners further submitted that earlier also the investigating Officer served notice under Section 41-A of Cr.P.C., and thereafter alteration memo was ordered from Section 324 of IPC to 326 of IPC only for the purpose of arresting the petitioners. He pointed out that the injury certificate was issued three months after the alleged

incident and that earlier injury certificate would show that there is no visible injury, therefore, prayed this Court to allow the criminal petition, granting the relief of anticipatory bail to the petitioners.

6. On the other hand, the learned Additional Public Prosecutor, vehemently opposed the submissions made by learned senior counsel for petitioners, and submitted that the allegations leveled against the petitioners are of serious nature to which their custodial interrogation is necessary. As such, he prayed the Court to dismiss the criminal petition.

7. Having regard to the rival submissions made, on going through the material placed on record, it is noted that the allegations leveled against the petitioners are under Sections 447, 326, 427, 506 read with 34 of IPC, and Sections (1)(r)(s), 3(2)(va) of SC/ST (Prevention of Atrocities) Act, whereas, the earlier offences were under Sections 143, 147, 148, 448, 324, 427, 506 read with 149 of IPC, and Sections 3(1)(r)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act. That apart, in the injury column of the MLC record, first it is noted that there is no visible external injury, but then in following lines it

is mentioned as *“X-Ray No.15087 ; X-Ray RF hand wrist ; Displaced fracture noted in head, 5th metacarpal bone”*, and nature of injuries is shown as grievous injuries.

8. As seen from the record, the date of offence is 14.06.2024 and injury certificate was issued on 30.09.2024. There is no mention regarding the place of injury in the 161 statements of the injured, and basing on the earlier FIR., the police had already issued notice under Section 41-A of Cr.P.C., and taking into consideration the fact that the injury certificate was issued on 30.09.2024 i.e., much later period, and basing upon the above discussion, this Court deems it fit to grant pre-arrest bail to the petitioners subject to compliance of the following conditions:

- i. The petitioners shall surrender before the Station House Officer, Saidabad Police Station, P.S., Subedari, Warangal District, within two weeks from today, and on such surrender, the said Station House Officer shall release them on bail on petitioners executing a personal bond for Rs.25,000/- each(Rupees Twenty Five

Thousand only), with two sureties, for the like sum each.

- ii. The petitioners shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and co-operate with the Investigating Officer in investigating the case.
- iii. The petitioners shall appear before the concerned Investigating Officer on every Wednesday between 09:00 a.m, and 05:00 p.m., till the filing of the charge sheet and thereafter, as and when required.

9. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 11.08.2025
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