

HON'BLE SRI JUSTICE K.SURESH REDDY

CRL.P.NO.5661 OF 2023

ORDER:-

This Criminal Petition, under Sections 437 and 439 of Cr.P.C., has been filed by the petitioner/A-78, seeking regular bail, in Crime No.186 of 2023 of Chirala Rural Police Station.

2. A case has been registered against the petitioner herein and others for the offences punishable under Sections.143, 147, 323, 324, 348, 307 read with 149 IPC.

3. Heard. Perused the record.

4. The case of the prosecution succinctly is thus:-

That one Vayala venkateswarlu and Vayala Polaiah, who are residents of Ramapuram Village, Vetapalem Mandal, died of suspecting some black magic was done to them by the unknown; that the black magicians were brought from Tamilnadu State; that the petitioner is the main black magician, who used to perform poojas and used to burry some dolls and make belief the villagers that owing to black magic, the above two persons were died; that the petitioner has stated to the villagers that whoever comes first on the

way, he is the person who did the black magic; that on the fateful day i.e., on 01-02-2023 at about 8.45 A.M, the defacto complainant went on that route; that the petitioner having noticed the same, informed the villagers that the defacto complainant is the main person who did black magic; that the villagers having infuriated, tied the defacto complainant to a wooden pole with his lungi and beat him indiscriminately; that due to the said incident, disputes cropped up among the villagers and the village people divided into two groups; that in pursuance thereto, clashes took place in the village, in which the police, who were present on bandhobust duty, were also received injuries; that during the course of investigation, police came to know that it is the petitioner who is the main person for the clashes in the village, which resulted to injuries to several people including the police personnel.

5. The learned counsel for the petitioner contended that the petitioner is a resident of Tamilnadu and he is the Pastor by profession. Further, it is contended by the learned counsel for the petitioner that the petitioner used to go to various places to offer prayers to the needy people and the petitioner is nothing to do with the alleged group clashes. The learned

counsel for the petitioner further contended that the petitioner was remanded to the judicial custody on 26-06-2023 and ever since he is in judicial custody. Further more, recently the petitioner suffered a heart attack and he was shifted to the hospital and the Doctors, who treated him, advised for a Surgery. Therefore, the learned counsel for the petitioner requests this court to enlarge the petitioner on bail.

6. *Per contra*, the learned Special Assistant Public Prosecutor, on instructions, informs this court that the petitioner suffered a heart attack and now he is in hospital and the Doctors, who treated him, advised to go for a Surgery.

7. In view of the aforesaid facts and circumstances of the case and taking into the consideration the fact that the petitioner suffered a heart attack, this Court is inclined to grant bail to the petitioner/Accused No.78, on the following conditions.

(i) The petitioner herein shall be released on bail on his executing a personal bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a like sum each to

the satisfaction of the learned Additional Junior Civil Judge,
Chirala.

(ii) Further, the petitioner is directed not to hamper
the investigation and tamper with the prosecution witnesses.

8. Accordingly, the Criminal Petition is allowed.

29-08-2023.
TSNR

K.SURESH REDDY,J