

HON'BLE SRI JUSTICE K. SURESH REDDY**CRIMINAL PETITION Nos.6038 and 6039 of 2023****COMMON ORDER:**

As both the criminal petitions arise out of FIR No.153 of 2023 of Venkatagiri Police Station, Tirupati District, they are being disposed of by way of this common order.

2. Crl.P.No.6038 of 2023 is filed by A.2, A.4, A.14 & A.17, whereas, Crl.P.No.6039 of 2023 is filed by A.1, A.3, A.5 to A.7, A.9 to A.13, A.15, A.16 & A.18 under Section 438 of Cr.P.C. seeking to grant anticipatory bail to them in the above crime, which was registered for the offences punishable under Sections 143, 147, 149, 341, 427, 153-a, 120-B, 307, 326-B, 290 read with 34 of IPC.

3. Case of the prosecution in brief is that, on 04.08.2023 at about 7.15 - 7.30 hours, while the *de-facto complainant* and others were going towards railway station, all the 19 accused, who belonging to Telugudesam party, formed into an unlawful assembly, obstructed the *de-facto complainant* and others by putting a vehicle across the road and raised slogans against the Chief Minister of Andhra Pradesh. Having seen the same, the *de-facto complainant* and others, who belonging to YSRC party, obstructed them. Then on the instigation of A.2, A.8 poured petrol on the *de-facto complainant* and when he tried to set fire, the persons who accompanied the *de-facto complainant* prevented him. Subsequently, A.8 also tried to stab the *de-facto complainant* on the throat, but the *de-facto complainant* kicked him with his leg. On the basis of the said allegations, present crime was registered against 19 accused. The

allegation against A.2, A.4, A.14 and A.17 is that they instigated A.8 to attack the prosecution party.

4. Sri Posani Venkateswarlu, learned senior counsel, representing Sri P. Sai Surya Teja and Sri Posani Akash, learned counsel for the petitioners, contends that except the offence under Section 307 of IPC, all the other offences are punishable with seven years and less than seven years. It is only to magnify the offence, the police introduced Section 307 of IPC. He further contended that, even according to the averments made in the FIR, it is A.8, who tried to attack the *de-facto* complainant with a knife, who is not before this Court and as such, he requests this Court to grant anticipatory bail to the petitioners.

5. On the other hand, learned Assistant Public Prosecutor, vehemently opposed the bail applications contending that A.2, A.4, A.14 and A.17 instigated the other accused to attack the *de-facto* complainant and others, belonging to the opposite party and on the instigation of these four accused, A.8 poured petrol on the *de-facto* complainant and he also tried to stab him and as such, he requests this Court to dismiss the criminal petitions.

6. This Court perused the material available on record. Even according to the prosecution, nobody received any injuries in the said incident. The only overt act attributed is that A.8 poured petrol and he also tried to stab the *de-facto* complainant. In that view of the matter, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

(i) Petitioners/A.2, A.4, A.14 & A.17 in Crl.P.No.6038 and the petitioners/A.1, A.3, A.5 to A.7, A.9 to A.13, A.15, A.16 & A.18 in Crl.P.No.6039 of 2023, are directed to surrender before the Station House Officer, Venkatagiri PS, Tirupati District, within a period of ten (10) days from today.

(ii) On such surrender, the Station House Officer, Venkatagiri PS, is directed to release the petitioners on bail on their executing a personal bond for Rs.20,000/- (Rupees twenty thousand only) each with two sureties for a like sum each to his satisfaction.

(iii) After release, all the petitioners are directed not to enter into the limits of Venkatagiri Municipality and they are directed to report before the Station House Officer, III Town PS, Nellore, SPSR Nellore District, on every Sunday between 10.00 a.m. and 1.00 p.m., until further orders.

(iv) Further, the petitioners are directed not to hamper the investigation and tamper with the prosecution witnesses.

7) The criminal petitions are allowed accordingly.

Miscellaneous petitions pending if any in these criminal petitions, shall stand closed.

Date: 23.08.2023
BSS

Justice K. SURESH REDDY

HON'BLE SRI JUSTICE K. SURESH REDDY
CRIMINAL PETITION Nos.6038 and 6039 of 2023

Date: 24.08.2023

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