

THE HON'BLE Ms. JUSTICE B. S. BHANUMATHI

CRIMINAL PETITION No.707 of 2023

ORDER:

This petition is filed under Sections 437 and 439 of Cr.P.C., to grant bail to the petitioners/A7, A11 and 14 in Crime No.227 of 2022 of Allagadda Town Police Station, Nandyal District, registered for the offences punishable under Sections 147, 148, 323, 324, 307, 120 (B) r/w. 149 of Indian Penal Code and Section 3 (2) (v) of the Scheduled Caste and the Schedule Tribes (POA) Amendment Act, 2015.

2. Heard Sri Nerella S.V. Ravi Teja, learned counsel for the petitioners/Accused and the learned Assistant Public Prosecutor representing the respondent/State.

3. The case of the prosecution is that on 16.12.2022 at about 11.30 PM, when the defacto-complainant was sitting in GRB Dhaba, Allagadda High way situated towards Nandyal town, the defacto-complainant was beaten by the petitioners with iron rods, sticks and hands and caused bleeding and swollen injuries.

4. The learned counsel for the petitioners submitted that a false case was foisted due to political rivalry and that the defacto-complainant himself is a rowdy-sheeter and he was involved in other crimes. He further submitted that the other accused No.17 to 19 were already enlarged on bail, granted by this Court vide Criminal Petition No.576 of 2023, dated 01.02.2023. It is also submitted by the learned

counsel for the petitioner that the wound certificate of the injured was received and material part of the investigation was completed. He further submitted that weapons in this case were also seized and all the accused hail from different Mandals and that the petitioner No.1 and 3/Accused No.7 and 14 were arrested on 20.12.2022 and the petitioner No.2 and accused No.11 was arrested on 07.01.2023 and since then they are languishing in jail and prays to grant bail to the petitioners.

6. The learned Special Assistant Public Prosecutor submitted that there are several other crimes registered against the petitioners and the investigation is still pending. Moreover, he would submit that there are specific overt acts attributed to each petitioner and considering the seriousness of the offence, the petitioners are not entitled to grant bail. He further submitted that the wound certificate is yet to be received and the weapons are not seized and the fact remains that the defacto-complainant was hospitalized and discharged from the hospital, due to the acts of the petitioners.

7. On perusal of the material available on record, the investigation is still pending in this Crime. Though the learned counsel for the petitioners contended that the other accused in this Crime were enlarged on bail, granted by this Court vide Criminal Petition No.576 of 2023, the names of the petitioners in the Criminal Petition No.576 of 2023 were not found in the First Information Report and no other

Crime was registered against them, as per his arguments advanced on that day. Therefore, the same analogy cannot be adopted to the petitioners. Apart from that, the overt acts attributed against the petitioners were serious in nature and the 1st petitioner/Accused No.7 was implicated in other crimes i.e., (1) Cr.No.269 of 2020 of Allagadda Rural Police Station, Nandyal District, registered for the offences under Sections 323, 506 r/w. 34 of the Indian Penal Code Sec. 3 (1) (r)(s) of SC/ST (POA) Act (2) Cr.No.61 of 2021 of Allagadda UPS, Nandyal District, registered for the offences under Sections 324, 506 r/w. 34 of the Indian Penal Code and (3) Cr.No.36 of 2022 of Allagada UPS of Nandyal District, registered for the offences under Sections 447, 384, 427, 120 (b) of the Indian Penal Code. The 2nd petitioner/Accused No.11 also involved in other crimes i.e., (1) Cr.No.81 of 2020 of Allagadda Rural Police Station, Nandyal District registered for the offences punishable under Sections 7 (A) r/w. 8 (E) AP. Prohibition Act (2) (2) Cr.No.61 of 2021 of Allagadda UPS, Nandyal District, registered for the offences under Sections 324, 506 r/w. 34 of the Indian Penal Code and (3) Cr.No.36 of 2022 of Allagada UPS of Nandyal District, registered for the offences under Sections 447, 384, 427, 120 (b) of the Indian Penal Code. In view of the facts and circumstances of this case, this court is not inclined to grant bail to the petitioners.

8. Accordingly, this Criminal Petition is dismissed.

Miscellaneous Applications, if any pending, also stand closed.

(B. S. BHANUMATHI, J)

Dt.07.02.2023.

Note: Issue CC tomorrow.

B/o.

MNR

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Dated : 07.02.2023.

MNR