

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

CRIMINAL PETITION No.5677 OF 2024

ORDER: (ORAL)

This Criminal Petition is filed, under Section 438 of the Criminal Procedure Code, seeking grant of anticipatory bail to the petitioner, who is accused No.4, in Crime No.940 of 2023 of Uppal Police Station, Rachakonda Commissionerate, registered for the offences punishable under Sections 307, 364, 342, 354, 324 and 504 read with 34 of the Indian Penal Code, 1860 (for short, 'I.P.C.').

2. Heard learned counsel for the petitioner, learned Additional Public Prosecutor appearing for the respondent-State and perused the material available on record.

3. The case of the prosecution is that a zero FIR was registered with Wanaparthy Rural Police Station and transferred to Uppal Police Station on 29.08.2023, wherein it is stated that the *de facto* complainant is a resident of Sanginenipally Tanda and he is pursuing Hotel Management Course in Hyderabad and on Sundays,

he used to work as Swiggy delivery boy. As a part of his job, on 27.08.2023, he went for Swiggy delivery. One Ms. Mounica, resident of Vallabapuram Thanda, was having a shop. She got acquainted with the *de facto* complainant. She came to know that the *de facto* complainant was staying in Hyderabad and called him on 27.08.2023 at about 02:30 PM and informed that her brother was coming to Hyderabad and requested him to accompany her to pick up her brother and messaged him to come to her room. The *de facto* complainant again messaged her asking whether he can come to her room or not and she again messaged him to come to her room. Accordingly, the *de facto* complainant went to the room of Ms. Mounica. He asked her water for drinking and the said Mounica gave him water and all of a sudden the water fell on him and his T-Shirt became wet. He removed his T-Shirt and kept it on a chair to dry. Meanwhile, Ramesh (accused No.1), husband of Mounica, came to home, misunderstood them and beat them by closing the door.

4. It is further stated that later the husband of Ms. Mounica locked them and went outside. In the night, at about 09:00 PM,

accused No.1 along with three others came to the room, beat him and threatened to kill him. They took the *de facto* complainant and Ms. Mounica in a car and on the way, they shifted them into another van and took them to the house of Mr. Ramesh, at Kashim Nagar, Erragutta Thanda. In the morning, at about 06:00 AM, accused No.1 beat them, put a chappal garland on the *de facto* complainant and Ms. Mounica and took a procession in the village. Some persons called the police by dialling 100 and the police came there and rescued the *de facto* complainant and Ms. Mounica and took them to Government Hospital for treatment.

5. Learned counsel for the petitioner submitted that A1 to A3, A5 to A7, A9, A10 and A14 were arrested on 01.09.2023. The petitioner/A4 is falsely implicated in the present case. There are no individual overt acts attributed against the petitioner/A4.

6. Learned Additional Public Prosecutor submitted that the petitioner is punishable for the offences of attempt to murder, kidnapping, illegal detention etc., and there are serious allegations against the petitioner.

7. Learned counsel for the petitioner submitted that the petitioner/A4 is a student in Scholars Degree College at Wanaparthi and appearing for exams conducted by Palamoor University at Mahabubnagar from 16.05.2024 to 19.06.2024. If the petitioner/A4 is arrested, he would suffer irreparable loss and injury.

8. On reading the contents of the FIR and the remand report, it appears that the allegations levelled against the petitioner/A4 are not specific. Moreover, general and omnibus allegations were made against A1 to A4 stating that they found the *de facto* complainant and Ms. Mounica in a room and they beat them causing injuries and also threatened to kill them.

9. As there are no individual overt acts attributed against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner/A4.

10. Hence, the Criminal Petition is allowed and the petitioner is directed to surrender before the Station House Officer, Uppal Police Station, Rachakonda Commissionerate, within 15 days from

today. On such surrender, the petitioner shall be released on bail on his executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer. Further, on such release, the petitioner shall abide by the following conditions:

1. The petitioner shall make himself available for investigation as and when required by the police.
2. The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
3. The petitioner shall not leave India without prior permission of the Court.

As a sequel, miscellaneous applications, if any, pending shall stand closed.

B. VIJAYSEN REDDY, J

Date: 30.05.2024.
MS/Smk/Pvt