

THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

CRIMINAL PETITION No.7391 OF 2022

ORDER:

This Criminal Petition is filed under Section 438 of the Criminal Procedure Code ('Cr.P.C.' in short), seeking pre-arrest bail, by the petitioners/Accused Nos.2 and 3 in **Crime No.91 of 2022** of the Station House Officer, Hindupur II Town Police Station, Anantapur District, registered for the offences punishable under Sections 153a, 307, 323, 506, 354, 509, 147 read with 149 of the Indian Penal Code, 1860 ('I.P.C.' in short).

2) The facts of the case, in brief, are that on 03.06.2022 at 10-30 a.m., one S.K. Fathima and her friend Jagadeesh were on motor cycle to go to Nimkampalli and when they stopped at Madarasa Tea Stall to purchase the water bottle, the petitioners herein along with other accused came there, abused them that said S.K. Fathima is Muslim and Jagadeesh is Hindu and also abused in filthy language and when the said Fathima questioned about their acts, they threatened that if they

kill and bury there, nobody will rescue and torn the Burkha of Fathima and beat her with hands and legs indiscriminately and when Jagadeesh tried to rescue her, the accused beat him with hands and legs, as a result of which, both of them sustained dumb injuries and got admitted into the Government Hospital, Hindupur. Hence, the police registered a crime against the petitioners and others.

3) Heard Sri R. Gopi Mohan, learned counsel for the petitioners and the learned Assistant Public Prosecutor for the respondent-State.

4) Learned counsel for the petitioners, in elaboration to what has been raised in the grounds, contended that the allegations are taken on its face value, none of the charged ingredients are attracting against the petitioners. The petitioners' bail application before the Court below got dismissed on five occasions and the latest application is in CrI.M.P.No.337 of 2022 and the same was dismissed on 05.08.2022 without assigning any reasons. Further it is contended that the

accused Nos.1 and 4 are already got bail and as such, he prayed to grant pre-arrest bail to the petitioners.

5) On the other hand, learned Special Assistant Public Prosecutor opposed for granting pre-arrest bail and contended that the Accused Nos.1 and 4 got regular bail but not an anticipatory bail and there are serious allegations against the petitioners and it is not a fit case to grant pre-arrest bail. Hence, he prayed for dismissal of the Criminal Petition.

6) At this juncture, the learned counsel for the petitioners submits that a liberty may be granted to the petitioners to surrender before the concerned Court and to move an application for regular bail and on such application a direction may be given to the Court below to consider the same on same day. To the said submission, the learned Special Public Prosecutor reported no objection.

7) Taking into submissions made by both the learned counsel, this Court cannot give any directions to the Court below to dispose of the same on the same day,

however, the petitioners are at liberty to surrender before the concerned Court and make an application for regular bail. On such surrender and on making an application for regular bail, the Court below is directed to dispose of the same at an earliest, uninfluenced by the orders passed by this Court.

Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

Dt.23.09.2022.

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CRIMINAL PETITION No.7391 of 2022

DATE: 23.09.2022

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