

THE HONOURABLE JUSTICE DR V R K KRUPA SAGAR

CRIMINAL PETITION NOS: 7729/2024 &7728 of 2024

COMMON ORDER:

The Criminal Petition No.7729 of 2024, under Section 482 of Bharatiya Nagarika Suraksha Sanhita, is filed by the Petitioners/A.20 to 24, 32 and 36 in FIR No.323 of 2024 on the file of Urban Police Station Punganur, Chittoor District registered for the offences punishable under Sections 109, 191 (3), 49 61 (2) r/w 3 (5) BNS.

2. The Criminal Petition No.7728 of 2024, under Section 482 of Bharatiya Nagarika Suraksha Sanhita, is filed by the Petitioners/A.25, 26 & 28 to 31 in FIR No.323 of 2024 on the file of Urban Police Station, Punganur, Chittoor District registered for the offences punishable under Sections 109, 191 (3), 49 61 (2) r/w 3 (5) BNS.

3. Heard Sri K.M. Krishna Murthy, the learned Senior Counsel for the petitioner and the learned Assistant Public Prosecutor for respondent-State.

4. Perused the record.

5. This Court by common order dated 29.08.2024 in CrIp.Nos.6079, 6081, 6130, 6164 and 6165 of 2024 while dealing with the Crime No.323 of 2024 and Crime No.324 of 2024 made elaborate observations and granted bail. In Paragraph Nos.16 and 17 of the said order reads as under:

- “16. Investigation is to find truth of the matter. Presentation of the case before a Court by the State must be one that places all the facts before the Court including the genesis of the event. With reference to the sequence of events as brought to the notice of the police and the three First Information Reports registered at the same police station the earliest being Crime No.322 of 2024, it is normally expected that at least when an accused is arrested in any of the crimes, there is a reference as to the origin of the crime or the genesis of the incident when the accused is produced before the Court for judicial remand. Copy of the remand report in Crime No.324 of 2024 pertaining to A.31 and A.32 is presented for consideration of this Court by the petitioners. A perusal of it shows that there is absolutely no reference to the incident reported in Crime No.322 of 2024 lodged by Sri N.Reddeppa. Thus, the State did not choose to place before the Court the full view of the case. All the three crimes were registered at the same police station and all of them referred to the same scene of offence and referred a large number of people pertaining to both the groups belonging to rival political parties. A neutral agency such as State is expected to be more skillful in proposing its protest against the prayers for bail made by the citizens but the same seems to be missing.*
- 17. It is undisputed that the petitioners in all these petitions have not been shown physically participating and causing injuries to anyone. It is an undisputed fact that the victims in both the crimes, namely, Crime Nos.323 and 324 of 2024 are the people who reached the scene of offence which belongs to leaders owing allegiance to opposite political party. It is not the case of the State that the cars that were burnt in the precincts of the former Member of Parliament were also burnt by the accused in Crime Nos.323 and 324 of 2024. Absence of necessary facts and reasons stated by the prosecution in this kind of case makes an eminent case for accused to claim bail in anticipation. It is not the case of the State that there is any flight risk or possibility of these petitioners spoiling the stream of justice. Since the allegations are only to the effect of their abetments and considering caution laid down to the Courts by their Lordships in the above referred ruling, this Court finds that any custodial interrogation does not seem necessary. Hence, prayers are granted.”*

5. On considering the case of these petitioners in the light of the above observations, these Criminal Petitions are allowed. Petitioners shall join investigation in the event of arrest of the petitioners herein/A.20 to 24, 32 & 36 in Crl.P.No.7729 of 2024 and Petitioners herein/A.25, 26 & 28 to 31 in Crl.P.No.7728 of 2024, they shall be enlarged on bail on their executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties for a like sum each to the satisfaction of the concerned Investigating Officer and the petitioners are directed to join the investigation as and when required. The petitioners shall mark their attendance before the Investigating Officer on 1st and 15th of every month between 10.00 AM and 1.00 PM till filing of the charge sheet. The petitioners shall make themselves available for investigation by a police officer as and when required. They shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case to dissuade them from disclosing such facts to the Court or to any police officer. They shall not indulge in similar acts of crime. The petitioners shall regularly appear before the competent Court and participate in pre-trial and trial process without fail.

Dr. V.R.K.KRUPA SAGAR, J

Date: 18.11.2024
PGT