Andhra Pradesh High Court - Amravati Inakoti Srinu vs The State Of Andhra Pradesh on 18 June, 2021

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI:

FRIDAY, THE EIGHTEENTH DAY OF JUNE TWO THOUSAND AND TWENTY ONE

## 'PRESENT:

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

CRIMINAL PETITION NO: 2935 OF 2021

## Between:

4. Inakoty Srinu, S/o.Chandra Rao, age 31 years, Rio. Nadipalli Village, Poosapatirega Madal, Vizianagaram District. (At): 2 Inakoti Chandra Rao, S/o. Suryanarayana, Occ: Private employee, age 56 years, | Rio. H.No.1-33, Pedanadipalli Village, Kopperada, Vizianagaram District (A2)

3 Inakoti Hari Venkata Kumar @ Pavan, S/o.Krishna Rao, age 36. years, Oce.Cultivation, R/o H.No.1-43, R/o.Nadipalli Village, Poosapatirega Mandal, Vizianagaram District. (AS) - :

4 {nakoti Vasu, S/o.Saitibabu, age 18 years, Occ! Student, R/o. Nadipaili Village, Poosapatirega Mandal, Vizianagaram District {A7} i

5 Inakoti Sattibabu, S/o. Suryanarayana, age 49 years, Rio.Nadipalli, Village, Poosapatirega Mandal, Vizianagaram District. (A3) :

6 Lankalapalli Srinivasa Rao @ Srinu, Sjo. Lakshman Rao, age 34 years, R/o.Nadipaili Vilage, Poosapatirega Mandal, Vizianagaram District. (A8) 7 Kommuru Nageswara Rao, S/o. Satyam, age 56 years, R/o. Nadipalli Village,

Poosapatirega Mandal, Vizianagaram District. (AS):
8 Kumari Satyanarayana, S/o. Apparao, age 39 years, R/o. Pathanadipalli Village.
Kopperla Mandal, Vizianagaram District. (A9).

Pabbireddi Ganesh, S/o. Krishna, Age 29 years, R/o. Pathanadipalli Village, Kopperla Mandal, Vizianagaram District. (A4): ...Petitioners/Accused 1 to.9
AND .

The State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court of Andhra Pradesh at Amaravathi through P.S. Pusapaiirega.

## $\_\_$ . Respondent/State

the memorandum of grounds filed in Criminal Petition, the High Court may be pleased to enlarge the petitioners on bail in the event of their arrest in connection with Crime

Patition under Section 438 of Cr.P.C, praying that in the circumstances stated in

No.89 of 2021, on the file of Pusapatirega, Vizianagaram District.

The petition coming on for hearing, upon perusing the Petition and the memorandum of grounds filed in support thereof and upon hearing the arguments of

Mis. MSVS Sudha Rani, Advocate for the Petitioners and of Public Prosecutor for the Respondent, the Court made the following. : ORDER:

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO CRIMINAL PETITION No.2935 of 2021 ORDER:

The petitioners are accused Nos.1 to 9 in Crime No.89 of 2021 on the file of the Pusapatirega Police Station. Initially, the case was registered for the offences punishable under Sections 323, 324 and 341 r/w 34 of IPC and Sections Sti}(o), Si) (2), SQ)(s), Shiv) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities] Act, 1989. Co Subsequently, Sections 147, 148, 326 and 509 r/w 149 of IPC and Section 3 QU(v) of the Scheduled Castes and Schediled Tribes (Prevention of Atrocities) Act, 1989 were added.

2. The case set out in the complaint is that the de facto complainant and his brothers had come to cast their votes in ZPTC elections on 08.04.2021 and while going towards a nearby | toilet, they had passed through the lane of the house of accused No.l. At that Stage, accused No.1] and other accused who were Present near their houses Stopped and abused the ce Facto complainant and his brothers in the name of their community and Upon objection being raised by the de facto complainant, | the accused are said to nave assaulted the de facto complainant and his brothers. On that basis, a complaint was registered on 08.04.2021 under the offences uiitially set out in the FIR, 'Subsequently, the other provisions were added. é RK J CrP No. 2935 of 2024 3, Section 509 of IPC, which relates to insult to the modesty of women, has been included, when there is no mention of any lady accompanying the de facto complainant at the time of the incident. Similarly, Sections 147 and 148 of IPC have been added which relate to rioting by forming into an unlawful assembly. It is not clear as to how any urlawful assembly could have been formed, when the accused were said to be sitting outside of their house. 4, Smt MSVS Sudha Rani, learned counsel for the petitioners would submit that the complaint has been filed on account of political differences in the village and that it was the petitioners herein who were attacked. The petitioners sought to By ile a complaint, but their complaint was not registered till the counter complaint of the de facto complainant has been registered, She further submits that Section 41-A of Cr.P.c. notices were issued to the accused in the complaint filed by the petitioners while additional provisions were inclided in the complaint filed by the accused, solely for the purpose of harassing the petitioners. She submits that the petitioners are agriculturists whe do not have any prior criminal record. She further submits that they are entitled to be enlarged on bail, in the event of their arrest on account of the above facts. 2, The learned Public Prosecutor opposes the grant of anticipatory bail. He submits that there are serious offences uivelved in the complaint and as such anticipatory bail cannot be granted to the petitioners. He further submits that Section PPE SYer2 Reh ae:

Cri P.No 2935 of 2021 So9 of IPC was added to the complaint only on account of 16] Cr.P.C. statements of the witnesses recorded by the Investigating officer.

6, The contentions raised by the petitioners, as recorded above, merit prima-facie acceptance. The contradiction between the initial complaint showing only male members in the party of the de facto complainant and subsequent adding of Section SO9 of IPC showing an alleged insult to the modesty

of women creates any amount of doubt about the complaint and subsequent investigation.

- 7. In these circumstances, the petitioners shall be enlarged on bail in the event of their arrest. upon furnishing personal bonds for Rs.5,000/- (Rupees Five thousand only) each with two sureties for a like sum to the satisfaction of the Station House Officer, Pusapatirega Police Station.
- 8. The petitioners shall also present themselves before the investigating officer as and when required and cooperate in the investigation.
- 9, The observations made in this order are only for the purpose of grant of bail and shall not be relied upon for any other purpose or to be taken into account either by the investigating officer or by the trial Court. IQ. Accordingly, the criminal petition is allowed CrLP.Na.2935 of 2024 spaesr = . +: . oes , yy 73 As a sequel, pending miscellaneous petitions, if any, | snall stand closed.

Sd/- M. PADMAL: ATHA ASSISTANT REGIST RAB TRUE COPY// Bb co For SECTION OFFICER To, The Special Judicial Magistrate of First Class(Excise), Vizianagaram.: The Station House Officer, Pusapatirega Police Station, Vizianagaram District. One CC to M/s. MSVS Sudha Rani, Advocate [OPUC] Two CCs to Public Prosecutor, High Court of AP [OUT] One spare copy.

Dorhwhr a HIGH COURT RRR \_ DATED: 18/06/2021 ORDER \_ CRLP.No.2936 of 2021 \_ ALLOWED