

**THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY**

**CRIMINAL PETITION Nos.2550 and 2561 OF 2022**

**ORDER:-**

These two Criminal Petitions under Section 439 of the Code of Criminal Procedure, 1973, are filed to enlarge the petitioners on bail.

The petitioner in Criminal Petition No.2550 of 2022 is A-1 and the petitioner in Criminal Petition No.2561 of 2022 is A-2 in the same crime i.e., Crime No.54 of 2022 of Pithapuram Police Station, East Godavari District. Therefore, both the petitions are heard together and they are being disposed of by this common order.

A case under Sections 290, 506 (2) r/w 34 IPC and under Section 25 of the Arms Act, 1959, was registered against the petitioners in the above crime.

Briefly stated, it is the case of the prosecution that A-1, who is aged about 33 years, went to the cinema theatre on the date of release of a film along with one air gun and gave stills as a hero along with the gun. The said poses given by him were captured by the TV people and the same was telecasted. After police came to know about the same through the live telecast that they visited the cinema theatre and arrested A-1 along with the said air gun. He disclosed that his brother-in-law, who is A-2, purchased the said air gun for the purpose of playing of his children through online and he brought it from his house. Therefore, A-2 is shown as an accused in the above crime. So, it is stated that the petitioners have committed the aforesaid offences.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

A-1 was arrested in connection with the above crime on 25.03.2022 and A-2 was arrested on 26.03.2022 in the above crime and since then they have been in judicial custody. The offences punishable under Sections 290, 506(2) IPC are bailable in nature. As regards the offence punishable under Section 25 of the Arms Act, 1959, is concerned, the pistol which was seized from the possession of A-1 is an air gun. It is a toy gun. Therefore, *prima facie* Section 25 of the Arms Act is not attracted to the facts of the case. Further, about 7 witnesses have been examined in this case. Therefore, there is considerable progress in the investigation. So, in the facts and circumstances of the case, the petitioners are entitled to bail.

Resultantly, both the Criminal Petitions are allowed. The petitioners are ordered to be released on bail on execution of self bond for Rs.25,000/- (Rupees twenty five thousand only) each with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate of First Class, Pithapuram.

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**JUSTICE CHEEKATI MANAVENDRANATH ROY**

Date: 19-04-2022  
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