

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.704 of 2015

ORDER:

The petitioners, who are A-1 and A-2 filed the present application under Section 438 Cr.P.C. seeking release in the event of their arrest in Crime No.216 of 2014 of Reinbazar Police Station, Hyderabad, which was registered for the offences punishable under Sections 307 r/w.34 IPC.

The case of the prosecution is as under:

The case of the prosecution is that on 21-10-2013 at about 4.30 pm, while the brother of the informant along with one Md.Aijazuddin was going towards Badabazar, the petitioners herein attacked them with knife and sticks and as a result of which, brother of the informant sustained bleeding injuries whereas the said Aijazuddin also suffered injuries. Basing on these allegations, the above case came to be registered.

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

A perusal of the material on record discloses that earlier the petitioners filed CrI.P.No.15663 of 2014 seeking anticipatory bail and the same was withdrawn after arguing the matter. The material on record also discloses the petitioners herein filed CrI.P.No.13387 of 2014 seeking quashing of investigation in the above crime. By an order dated 13-11-2014, this Court directed the police to proceed with the investigation restraining them from arresting the petitioners pending investigation. Learned counsel for the petitioners submits that the parties have settled their disputes and as such the informant is not interested in pursuing the matter.

Learned Public Prosecutor disputes the same on the ground that the day on which the alleged compromise was entered, the informant gave her statement under Section 161 Cr.P.C. attributing the specific overtacts against the petitioners.

Having regard to the circumstances of the case, taking into consideration the order passed by this Court in CrI.P.No.13387 of 2014 and the alleged compromise entered into by the parties, the petitioners shall surrender before the concerned Court and move an application for grant of bail after giving prior notice to the Public Prosecutor, in which event, the Court concerned shall deal with the same in accordance with law, either on the same day or at least by next day.

Accordingly, the Criminal Petition is disposed of.

As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE C. PRAVEEN KUMAR

10-02-2015
nvl