

**THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR**

**CRIMINAL PETITION No.3606 of 2016**

**ORDER :**

Heard the learned counsel for the petitioner and the learned Public Prosecutor for the respondent-State.

2. The petitioner, who is accused No.2 in Crime No.47 of 2016 of II Town Mahabubnagar Police Station, Mahabubnagar District, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with the above crime registered for the offences punishable under Sections 449, 367, 341, 323, 504, 506, 354(b) IPC read with Section 34 IPC.

3. The case of the prosecution is as under:

On 21.02.2016 at about 21.45 hours when the informant along with team members went to Geetha Hotel for dinner and ordered meals, in the meantime, about 20 members criminally trespassed into Geetha hotel and beat the team members of the informant and threatened that if she does not come with them, they would kill her, as she accompanied Hindus and thereafter wrongfully restrained her in an unknown house. The informant came to know the house owner's name as Mahamuda and the abducted person as Abdul Jabbar, who is A-1. On information, her team members rescued her and brought to the police station. Basing on these allegations, the above report came to be lodged.

4. Learned counsel for the petitioner mainly submits

that even accepting the allegations to be true, no offence is made out against the petitioner. He submits that basing on the confessional statement of the accused in this crime, the police have implicated the petitioner.

5. Learned Public Prosecutor opposed the application contending that the allegations made in the report are serious in nature and as such, the question of granting anticipatory bail does not arise.

6. A perusal of the remand case diary would show that the petitioner is a stranger to the informant and as such, the question of naming the petitioner in the First Information Report would not arise. Further on the date of the incident, about 20 people are alleged to have trespassed into the hotel, where the informant was having dinner along with other team members, and they are alleged to have attacked not only the informant, but two other team members. It is said that subsequently A-1, A-3, A-6 and A-9 who were arrested revealed the names of the persons, who are alleged to have participated in the offence along with them.

7. Learned Public Prosecutor submits that since the petitioner is absconding, investigation could not be conducted.

8. Having regard to the facts and circumstances of the case and since A-1, A-3, A-6 and A-9, who were arrested, are granted regular bail by the Family Court-cum-VIII Additional District and Sessions Judge, Mahabubnagar, the petitioner/A-2 shall surrender before the Judicial Magistrate of First Class at Mahabubnagar District, and make an application for regular bail

after giving prior notice to the learned Public Prosecutor, in which event the same shall be dealt with, in accordance with law, on the same day.

9. With the above direction, the Criminal Petition is disposed of.

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**JUSTICE C. PRAVEEN KUMAR**

Date: 23<sup>rd</sup> March, 2016

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