

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.8723 of 2017

ORDER:

This criminal petition is filed by accused Nos.2 and 3, under Section 438 of Cr.P.C., to grant pre arrest bail in Crime No.96 of 2017 on the file of the Station House Officer, Arvapalli Police Station, Suryapet, for the offences punishable under Sections 341, 447 and 324 read with 34 of IPC.

2. The learned counsel for the petitioner Nos.1 and 2 are the students of B.Tech., II year and Intermediate respectively. He further submitted that the *de facto* complainant and the petitioners belong to the same family. He further submitted that the petitioners were falsely implicates in this case due to civil disputes. *Per contra*, learned Additional Public Prosecutor representing the State submitted that the investigation is in progress; therefore, it is not a fit case to grant pre arrest bail to the petitioners.

3. The case of the prosecution is that on 22.6.2017 at about 06.30 am, the petitioners along with other accused beat the *de facto* complainant and his family members. Basing on the complaint lodged by the *de facto* complainant, the above case was registered.

4. The petitioners along with accused Nos.4 and 5 filed CrI.M.P.No.1022 of 2017 on the file of the Court of II Additional Sessions Judge, Nalgonda at Suryapet, under Section 438 of Cr.P.C., and the same was dismissed on 29.8.2017, so far as the petitioners are concerned.

5. A perusal of the copy of the Certificate issued by the Board of Secondary Education, Telangana State discloses the date of the second petitioner as 18.9.2000. A perusal of the record reveals that the first petitioner is studying B.Tech., II year in Bharat Institute of Engineering and Technology, Ibrahimpatnam, Hyderabad. As per the case of the prosecution, the petitioners along with other accused beat the *de facto* complainant. The offences under Sections 341 and 447 of IPC are bailable whereas the offence under Section 324 of IPC is non-bailable.

6. Taking into consideration the age and future prospects of the petitioners, this court is of considered view that it is a fit case to grant pre arrest bail to the petitioners.

7. In the result, the criminal petition is allowed, directing the Station House Officer, Arvapally Police Station, to release the petitioners-accused Nos.2 and 3 on bail, in the event of their arrest in connection with Crime No.96 of 2017, on each of them executing a self-bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to his satisfaction. Further, the petitioners are directed to comply with the following conditions:

- (1) They shall make themselves available for interrogation by Police as and when required;
- (2) They shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or any police Officer; and
- (3) They shall not leave India without the previous permission of the concerned Court.

T.SUNIL CHOWDARY, J

September 21, 2017
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