

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**THURSDAY, THE TWENTY NINTH DAY OF AUGUST TWO THOUSAND AND
NINETEEN**

**:PRESENT:
THE HONOURABLE JUSTICE G SRI DEVI**

CRIMINAL PETITION NO: 5197 OF 2019



Between:

1. Abubaker Bin Hassan, S/o. Hassan Bin Saleh
2. Saleh Bin Hassan, S/o. Hassan Bin Saleh

Petitioners

AND

The State of Telangana, Rep. by its Public Prosecutor, High Court at Hyderabad
(Through S.H.O., P.S. Mirchowk, Hyderabad District)

Respondent

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the grounds filed in the Criminal Petition, the High Court may be pleased to grant anticipatory bail to the petitioners in the event of their arrest in connection with Crime No. 76 of 2019, on the file of the P.S. Mirchowk, Hyderabad District

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof upon hearing the arguments of Sri VIKAS JOSHI, Advocate for the Petitioners, ADDITIONAL PUBLIC PROSECUTOR (TG) for the Respondent, the Court made the following.

ORDER:

CRIMINAL PETITION No. 5197 of 2019

ORDER :

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioners/accused, for grant of anticipatory bail in connection with Crime No.76 of 2019 of Mirchowk Police Station, Hyderabad, registered for the offences punishable under Sections 332, 353 and 504 read with 34 of IPC.

2. Heard learned counsel for the petitioners/accused, learned Additional Public Prosecutor representing the respondent/State and perused the record.

3. The case of prosecution, in brief, is that on 31.05.2019 when the police Constable was attending his duty at Durrushehvar Hospital, the mob gathered there, beat him with hands and caused bleeding injuries. When the Assistant Sub-Inspector tried to rescue him, they beat him also. The police came to know that one boy aged 12 years, who was affected with current shock, was brought to the hospital for treatment and died in the hospital.

4. Learned counsel for the petitioners/accused submits that the police are calling the petitioners to the police station frequently under the guise of investigation at the instance of hospital authorities, to disclose names of the persons in the locality, who were present in the hospital at the time of the incident and are threatening to arrest them in the event of non-disclosure of information. Taking advantage of police at the hospital, the hospital staff instead of helping the needy started forcing the mob gathered there. The police instead of catching the persons who made galata, simply added the relatives of the deceased.

It is further submitted that even if the allegations are taken to be true and correct in its entirety, prima facie no offence is made out against the petitioners. The petitioners are ready to abide by the conditions imposed by the Court.

5. Learned Additional Public Prosecutor representing the respondent-State opposed to grant bail to the petitioners.

6. Having regard to the nature of allegations levelled against the petitioners, this Court is inclined to grant bail to the petitioners/accused on certain terms and conditions.

7. Accordingly, the petitioners/Accused are directed to surrender before the Station House Officer, Mirchowk Police Station, Hyderabad, within a period of 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioners/accused on bail, on their executing personal bonds for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties for a like sum each to his satisfaction. On such release, the petitioners/Accused shall report before the said Station House Officer once in a month, i.e., on every second Saturday between 10:00 A.M. and 05:00 P.M., till completion of investigation and filing of charge sheet, whichever is earlier. The petitioners/Accused shall not indulge in any similar type of activities, in future.

8. In the result, the Criminal Petition is allowed.

//TRUE COPY//

SD/- K.SAILESHI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The VIII Addl. Chief Metropolitan Magistrate at Hyderabad.
2. The Station House Officer, P.S. Mirchowk, Hyderabad District.
3. One CC to SRI VIKAS JOSHI, Advocate [OPUC]
4. Two CCs to ADDITIONAL PUBLIC PROSECUTOR (TG), High Court at Hyderabad. (OUT)
5. One spare copy

HIGH COURT

GSDJ

DATED:29/08/2019

ORDER

CRLP.No.5197 of 2019

BAIL

