

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.6055 of 2019

ORDER:

This Criminal Petition under Section 438 of Cr.P.C. is filed by the petitioners/A.2 and A.4, seeking anticipatory bail in Crime No.229 of 2019 on the file of the Station House Officer, Humayunnagar Police Station, Hyderabad registered for the offences punishable under Sections 307 and 341 read with 34 IPC.

The contents of the complaint lodged by the defacto-complainant are that on 09.08.2019 at around 10.30p.m. when he was going to home along with his brother-Azhar Ali and when they reached Noor Pan shop, Ex-servicemen colony, at that time, A.2-Sarfaraz stopped them and started unnecessary argument with them by saying that he also belongs to Ex-servicemen colony. Meantime, the A.2 called his brother-Shanawaz(A.1) available in Pan shop who came with his friends/other accused with knife and knuckle duster and immediately Shanawaz(A.1) took out the knife and attacked on his palm. Meanwhile brother of the defacto-complainant Azhar Ali tried to stop the Shanawaz (A.1), but they also attacked on his brother's stomach and hands with knife with the help of other persons and caused severe injuries.

Learned counsel for the petitioners contend that the petitioners/A.2 and A.4 are falsely implicated by the police. There is no specific overt act against them. In fact, the name of the A.4 is nowhere mentioned in the First Information Report

and complaint for the alleged participation in the commission of offence nor his presence established with the material on record by the concerned police. Hence, the A.4 is falsely implicated in this case. From the remand report dt.12.08.2019 the petitioner No.1/A.2 did not commit the alleged offence. The police have recovered the alleged knife from the A.1 who is already enlarged on bail. The police also examined material witnesses including eye witnesses which show that the investigation is almost completed. It is further contended that the petitioners are ready to abide by any of the conditions imposed by this Court and would cooperate with the investigation, if they are released on anticipatory bail in the event of their arrest in connection with the aforesaid crime.

On the other hand, the learned Additional Public Prosecutor vehemently opposed the relief sought in the above petition.

As seen from the contents of remand report that on the alleged date of offence A.3 approached the GHMC officials to settle the issue. At that time, A.2 was also present there. The A.2 thought that, the complainant gave a complaint before the GHMC and planned to eliminate as he is doing social activities and created bad propaganda against him. On his plan, on the same day at 22.00 hours A.2 and other accused implemented their plan and attacked on the complainant and his cousin badly. For which brother of the complainant received stab injury in his abdomen and was undergoing treatment in Osmania Government Hospital.

Thus there are specific allegations against the petitioner No.1/A.2 about his participation on the date of occurrence. Thus, looking into the nature of allegations leveled against the petitioner No.1, I am not inclined to grant anticipatory bail to the petitioner No.1/A.2.

However, if the petitioner/A.1 surrenders before the Court below concerned within 15 days from today and moves an application for regular bail, after giving prior notice to the Public Prosecutor concerned, the said application shall be considered in accordance with law.

So far as the petitioner No.2/A.4 is concerned, as there are no specific allegations leveled against him nor his name mentioned in the First Information Report. Hence, I am inclined to grant anticipatory bail to the petitioner No.2/A.4 by imposing some conditions.

In the result, the Criminal Petition is partly allowed by dismissing the petition against the A.2. The petitioner/A.4 is directed to be released on bail in the event of his arrest in connection with Crime 229 of 2019 on the file of the Station House Officer, Humayunnagar Police Station, Hyderabad, on his executing a personal bond for Rs.15,000/- (Rupees fifteen thousand only) each with two local sureties for a like sum each to the satisfaction of the said Station House Officer and subject to the condition that the petitioner/A.4 would cooperate with the investigation Agency and would report before the above Police Station, on every Sunday between 10-00 a.m. and 5-00 p.m. till

completion of investigation and filing of charge sheet, whichever is earlier.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE G. SRI DEVI

01.10.2019.
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Dt.01.10.2019

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24.06.2019
Msr