

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
MONDAY, THE TWENTY SECOND DAY OF MARCH TWO THOUSAND AND
TWENTY ONE**

:PRESENT:

**THE HONOURABLE JUSTICE G SRI DEVI
CRIMINAL PETITION NO: 2043 OF 2021**

Between:

Boya Devender, S/o. Anjaiah

Petitioner/Accused

AND

The State of Telangana, Rep. by its Public Prosecutor High Court of for the State of
Telangana, At Hyderabad.

Respondent/Complainant

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in
the affidavit filed in support of the Criminal Petition, the High Court may be pleased to
release the petitioner on bail in event of his arrest Crime No.26 of 2021 on the file of
Kethepally Police Station, Nalgonda District

The petition coming on for hearing, upon perusing the Petition and the affidavit
filed in support thereof and upon hearing the arguments of SRI SOMAVARAPU
SATYANARAYANA Advocate for the Petitioner, THE PUBLIC PROSECUTOR for
the Respondent(s) and the Court made the following.

ORDER

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.2043 of 2021

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A4 seeking to grant anticipatory bail in the event of his arrest in Cr.No.26 of 2021 on the file of Kethepally Police Station, Nalgonda District, registered for the offence punishable under Sections 307 read with Section 34 IPC.

2. Heard learned counsel for the petitioner/A4, learned Assistant Public Prosecutor appearing for the respondent-State and perused the record.

3. Learned counsel for the petitioner/A4 would submit that the petitioner has not committed any offence as alleged by the prosecution, and as per the prosecution case, when the de-facto complainant and L.W.2, who are injured, have questioned the accused about transportation of cattle, all the accused attacked them. He also submits that though the alleged incident occurred at 1.10 PM on 11.02.2021, FIR was registered on 12.02.2021 at 11.30 AM and that there is no explanation for the said delay in lodging the complaint. He further submits that as per the injury report, the injured were examined on 12.02.2021, and that though several injuries were mentioned therein, there is no mention about the nature of the injuries. He further submits that no specific role has been attributed against the present petitioner and no weapon of offence has been recovered from the place of occurrence. He further submits that the trial Court dismissed the anticipatory bail application of petitioner on the ground that the other accused are still absconding and that the stolen property has not yet recovered. He also submits that the petitioner is a law abiding citizen and he is ready to abide by any condition that may be imposed by this Court in the event of his enlargement on anticipatory bail.

4. Learned Assistant Public Prosecutor vehemently opposed to grant anticipatory bail to the petitioner, but conceded to the fact that no specific role whatsoever has been attributed to the petitioner.

5. Having regard to the facts and circumstances of the case and looking into the nature of allegations leveled against the petitioner, without advertng to the merits of the matter, I am inclined to grant anticipatory bail to the petitioner/A4.

6. The Criminal Petition is accordingly allowed and the petitioner/A4 is granted anticipatory bail subject to the following terms and conditions:

(i) The petitioner/A4 is directed to surrender before the Station House Officer, Kethapally Police Station, Nalgonda District, within a period of 15 days from the date of this order and on such surrender, the said Station House Officer shall release the petitioner/A4 on bail on his executing a personal bond to the tune of Rs.25,000/- (Rupees twenty five thousand only) with two sureties for the like sum each to his satisfaction.

(ii) On such release, the petitioner/A4 shall appear before the Investigating Officer on every Saturday between 10.00 AM and 2.00 PM., till completion of investigation or filing of the charge sheet whichever is earlier.

(iii) The petitioner/A4 shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

7. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

SD/- R. KARTHIKEYAN
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

- To,
1. The Judicial Magistrate of First Class at Nakrekal
 2. The Station House Officer, Kethapalli Police Station, Nalgonda District
 3. One CC to SRI. SOMAVARAPU SATYANARAYANA Advocate [OPUC]
 4. Two CC's to Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
 5. One spare copy

HIGH COURT

GSDJ

DATED:22/03/2021

ORDER

CRLP.No.2043 of 2021

BAIL

