

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
WEDNESDAY, THE TWENTY NINTH DAY OF SEPTEMBER TWO THOUSAND AND
TWENTY ONE

:PRESENT:

THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER
CRIMINAL PETITION NO: 7287 OF 2021

Between:

Asodha Shivaji @ Shiva, S/o. Bixapathi

...Petitioner/Accused No.2

AND

The State of Telangana, Through Khammam II Town Police Station, Rep by
 Public Prosecutor, High Court of Telangana.

...Respondent/Complainant

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.564 of 2020 on the file of Khammam II Town Police Station.

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of M/s PARSA ANANTH NAGESWAR RAO Advocate for the Petitioner and of Assistant PUBLIC PROSECUTOR for the Respondent, the Court made the following.

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'). is filed by the petitioner/A.2, for grant of anticipatory bail in Crime No.564 of 2020 of Khammam II Town Police Station, Khammam, registered for the offences punishable under Sections 307, 506 r/w 34 IPC.

2. Heard the learned counsel for the petitioner/A.2, learned Assistant Public Prosecutor representing the respondent/State and perused the record.
3. The learned counsel for the petitioner/A.2 would submit that the petitioner/A.2 has nothing to do with the alleged offence. A false case is foisted against the petitioner/A.2. The petitioner/A.2 did not cause any injury to anybody. The name of the petitioner/A.2 is falsely mentioned in the subject FIR and ultimately prayed to allow the Criminal Petition as prayed for.
4. On the other hand, the learned Assistant Public Prosecutor opposed the grant of bail to the petitioner/A.2.
5. It is brought to the notice of this Court that victim-Gogula Chaitanya, suffered simple injury. A.1 in the subject crime was remanded to judicial custody in relation to other cases. Insofar as A.3 and A.4 in this case are concerned, they were granted regular bail by the Court concerned. In the given circumstances of the case, since the victim had suffered a simple laceration injury, whether there is any intention on the part of the petitioner/A.2 to cause death of the victim or not, is a matter of investigation. The gravity of the offence is not so high against the petitioner/A.2. Considering the totality of the circumstances, this Court is inclined to grant anticipatory bail to the petitioner/A.2 under Section 438 Cr.P.C, subject to the following conditions:
 - (i) The petitioner/A.2 is directed to surrender before the Station House Officer, Khammam II Town Police Station, Khammam, within a period of fifteen(15) days from the date of this order.

- (ii) On such surrender, the said Station House Officer shall release the petitioner/A.2 on bail, on his executing a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a like sum each to his satisfaction.
- (iii) On such release, the petitioner/A.2 shall report before the Station House Officer, Khammam II Town Police Station, Khammam, on every Sunday between 10:00 AM and 11:00 AM till filing of charge sheet.
- (iv) The petitioner/A.2 shall not, directly or indirectly, meddle with the investigation, win over the witnesses, tamper the evidence and shall co-operate with the Investigating Officer for smooth completion of the investigation.
- (v) The petitioner/A.2 shall also abide by the conditions stipulated in Section 438(2) Cr.P.C.

6. The Criminal Petition is, accordingly, allowed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

SD/- K. SHYLESHI
Assistant Registrar

//TRUE COPY//


SECTION OFFICER

To,

1. The II Additional Sessions Judge (FTC) at Khammam District.
2. The Station House Officer, Khammam II Town Police Station, Khammam District.
3. One CC to M/s PARSA ANANTH NAGESWAR RAO, Advocate [OPUC].
4. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad [OUT].
5. One spare copy
ZEE

HIGH COURT

Dr.SAJ

DATED:29/09/2021

ORDER

CRLP.No.7287 of 2021

BAIL

