

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
TUESDAY, THE SECOND DAY OF NOVEMBER TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE JUSTICE G SRI DEVI
CRIMINAL PETITION NO: 7578 OF 2021

Between:

Vadithiyavath Shiva Kumar, S/o. Thulasi Ram

...Petitioner/Accused No.3

AND

The State of Telangana, Rep by its Public Prosecutor, High Court, Hyderabad
Through P.S, Mahabubnagar Rural Police Station, Mahabubnagar District,
Telangana State.

...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 grant Anticipatory Bail to the Petitioner / Accused No.3 in Crime No.271 of 2021 on the file of the P.S, Mahabubnagar Rural, Mahabubnagar District for the offence U/Sec. 341, 307, 504 r/w. 34 IPC in the event of his arrest.

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 RAVEENDHAR MALOTHU Advocate for the Petitioner and of Assistant PUBLIC PROSECUTOR for the Respondent, the Court made the following.

ORDER:

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.7578 of 2021

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A3 seeking to grant anticipatory bail in the event of his arrest in Cr.No.271 of 2021 on the file of Mahabubnagar Rural Police Station, Mahabubnagar District, registered for the offence punishable under Sections 341, 307, 504 read with Section 34 IPC.

2. Heard learned counsel appearing for the petitioner/A3, learned Assistant Public Prosecutor appearing for the respondent-State and perused the record.

3. The case of the prosecution is that on 09.06.2021 at 0700 hours, while the de-facto complainant was proceeding to M. Nagar from Thanda, all the accused have assaulted him with sticks and axes causing bleeding injury on his head with an intention to kill him, and also attacked his brother and one Achamma.

4. Learned counsel for the petitioner submits that the petitioner is innocent of the alleged offences and he has been falsely implicated in the present case. He further submits that as the other accused have already been enlarged on bail, the case of petitioner stands on the same footing. He further submits that the entire investigation is completed except filing of the charge sheet. He also submits that the petitioner is a law abiding citizen and ready to abide by any condition imposed by this Court in the event of his enlargement on anticipatory bail.

5. Learned Assistant Public Prosecutor vehemently opposed to grant anticipatory bail to petitioner, but he conceded to the fact that the other accused have already been enlarged on bail.

6. As seen from the material on record, though the offence under Section 307 IPC has been registered against the accused, the injury report shows that all the injuries are simple in nature. Moreover, there is a case and counter case against both the parties. Thus, looking into the nature of allegations leveled against the petitioner and other facts and circumstances, without delving into the merits of the matter, I am inclined to grant anticipatory bail to him.

7. The Criminal Petition is allowed and the petitioner/A3 is granted anticipatory bail subject to the following terms and conditions:

(i) The petitioner/A3 is directed to surrender before the Station House Officer, Mahabubnagar Rural Police Station, Mahabubnagar 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 on bail on his executing a personal bond to the tune of Rs.15,000/- (Rupees fifteen thousand only) with two sureties for the like sum each to his satisfaction.

(ii) On such release, the petitioner/A3 shall appear before the Investigating Officer on every Saturday between 10.00 AM and 5.00 PM., till completion of the investigation and filing of the charge sheet.

(iii) The petitioner/A3 shall not indulge in any similar type of activities in future. If he is indulged in similar type of activities in future, liberty granted to him shall stand cancelled automatically.

(iv) The petitioner/A3 shall abide by the other conditions stipulated in Section 438(2) Cr.P.C. and cooperate with the investigation.

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

SD/- N. CHANDRASEKHARA RAO
Assistant Registrar

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial Magistrate of First Class (Prohibition and Excise) at Mahabubnagar District.
2. The Judge Family Court-Cum-VIII Additional Sessions Judge at Mahabubnagar District.
3. The Station House Officer, Police Station, Mahabubnagar Rural, Mahabubnagar District.
4. One CC to M/s. RAVEENDHAR MALOTHU, Advocate [OPUC].
5. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad [OUT].
6. One spare copy
ZEE

HIGH COURT

GSDJ

DATED:02/11/2021

ORDER

CRLP.No.7578 of 2021

BAIL

