

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO.9393 OF 2021

ORDER:-

This petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking pre-arrest bail to the petitioner/A.2 in the event of his arrest in connection with Crime No.215 of 2021 of Ghanpur (W) Police Station, Warangal District, registered for the offences punishable under Sections 324, 290 and 506 read with 34 of the Indian Penal Code.

2. A report was lodged by the *de facto* complainant stating that on 15.10.2021 at about 1830 hours, he along with his friend Gurram Rakesh chatting with each other near Railway Gate at Ghapur, in the meantime A.1 came there on a bike, armed with knife and iron rods and also telephoned to A.2 and A.3, on that they came and all the three accused abused them in filthy language. A.2 said that he will kill them and took the knife and iron rod from A.1 and caused injuries and in the meantime his friend Gurram Rakesh intervened and rescued him. A.2 beat his friend Gurram Rakesh with a knife on his left hand and caused injuries, meantime, Gattu Arun and Gurram Jayanth intervened and stopped. On the same day at about 1900 hours, A.1 along with others came to their house and threatened with dire consequences to kill them at any time. Basing on the said complaint, the present crime is registered.

3. Heard Mr.M.Ajay Kumar, learned counsel for the petitioner, and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submits that the petitioner earlier approached this Court seeking pre-arrest bail and the same was disposed of directing the police to follow Section 41-A Cr.P.C. and the guidelines issued by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹. Learned counsel submits that later the section of law is altered to Section 326 of IPC and A.1 was arrested and was released on bail. Hence, the petitioner herein is constrained to move this application seeking pre-arrest bail. He submits that even as per the remand report, A.1 assaulted LW.1 and on that he received grievous injury. A.1 was already enlarged on bail. As per remand report, Section 326 IPC is not attracted to this petitioner. As such, the petitioners' case may be considered for grant of pre-arrest bail.

5. On the other hand, learned Assistant Public Prosecutor submits that so far six witnesses were examined. As the investigation is pending, the petitioner is not entitled for grant of pre-arrest bail.

6. Taking into consideration the injuries sustained by LW.1 are simple in nature and A.1 is already released on bail, this Court deems it appropriate to grant pre-arrest bail to petitioner/A.2.

7. Accordingly, this Criminal Petition is allowed. Petitioner/A.2 shall surrender before the Station House Officer, Ghanpur (W) Police

¹ (2014) 8 SCC 273

Station, Warangal District, in connection with Crime No.215 of 2021 within one week from today and on such surrender and executing a personal bond for a sum Rs.20,000/- (Rupees twenty thousand only) each with two sureties for a like sum each to the satisfaction of the said Station House Officer, he shall be released on bail. It is made clear that no further extension of time will be granted.

Consequently, miscellaneous applications pending, if any, shall stand closed.

LALITHA KANNEGANTI, J

Date :17.12.2021

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