

THE HON'BLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.444 OF 2022

ORDER:

This criminal petition is filed under Section 438 of Code of Criminal Procedure, 1973 seeking pre-arrest bail by the petitioners/accused in Crime No.384 of 2021 on the file of I Town Police Station, Nizamabad.

2. The case of the prosecution in brief is that 19.11.2021, the police report was lodged contending that the petitioners/accused along with others attacked the husband of the *de facto* complainant with rods and punches with an intention to kill him and the injured was admitted in the hospital. Thus, the petitioners committed offences under Sections 324 and 506, read with 34 IPC. However, after the treatment, as it was informed that the injuries were grievous in nature, section of law was altered to Sections 326 and 506 read with 34 IPC.

3. Learned counsel for the petitioners submitted that the petitioners were students and they were falsely implicated and were not involved in any offence. However, after the incident, the police issued notice under Section 41-A Cr.P.C. and the petitioners appeared before the police and submitted their explanation. But, after alteration of the section of law, the petitioners are apprehending arrest by the police. Further, the petitioners are ready to submit sufficient sureties and abide by the conditions that may be imposed by the Court, thus, prayed for grant of pre-arrest bail.

4. Learned Assistant Public Prosecutor opposed the application and pleaded that investigation is still pending.

5. Heard. Perused the material. Having regard to the fact that after the incident, the investigating agency chose not to arrest the petitioners and served notice under Section 41-A Cr.P.C. and as the prosecution has not pointed out any necessity of custodial investigation on the petitioners are not cooperating with the investigation, this Court finds that prayer of the petitioners/accused for grant of pre-arrest bail can be positively considered, subject to following conditions:

- (i) The petitioners/accused are directed to surrender before the Station House Officer, I Town Police Station, Nizamabad, within 15 days from today. On such surrender, in the event of their arrest, the Station House Officer, I Town Police Station, Nizamabad, is directed to release the petitioners/accused on bail on condition of their executing personal bonds for Rs.25,000/- each with two sureties for a like sum each to his satisfaction.
- (ii) Further, the petitioners are directed to appear before the Station House Officer, I Town Police Station, Nizamabad, on every Saturday between 10.00 AM to 05.00 AM till filing of the charge sheet.
- (iii) The petitioners shall make themselves available for investigation as and when required by the Investigating Officer.

6. Accordingly, the criminal petition is allowed.

N.TUKARAMJI, J

Date:27.01.2022

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