

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO. 2129 OF 2022****ORDER:**

This Criminal 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/Accused No.5 in the event of his arrest in connection with Crime No.62 of 2022 on the file of Nirmal-Town Police Station, Nirmal District registered for the offences punishable under Sections 364, 364-A, 323, 506 and 109 read with Section 34 of Indian Penal Code, 1860 (I.P.C.)

2. Heard the learned counsel for the petitioner, learned Assistant Public Prosecutor and perused the record.

3. Initially the present crime was registered as man missing on 13.02.2022. Thereafter, Accused Nos.1 to 4 were arrested and the section of law altered to Sections 364, 364-A, 323, 506 and 109 read with Section 34 of IPC.

4. Petitioner is arrayed as Accused No.5 and shown in the remand case diary of Accused Nos.1 to 4 dated 15.02.2022. When the petition came up for hearing on 29.03.2022 the learned

Assistant Public Prosecutor was asked to produce any material linking petitioner/Accused No.5 with Accused Nos.1 to 4 such as call details or any other material evidence available.

5. Learned Assistant Public Prosecutor would submit that the confession is sole basis for arraying the petitioner as Accused No.5 and there is no other evidence connecting Petitioner/Accused No.5 and Accused Nos.1 to 4.

6. In the said circumstances, this Court is inclined to grant anticipatory bail to the petitioner/Accused No.5.

7. Accordingly, the Criminal Petition is allowed subject to the following conditions:

i) The petitioner/Accused No.5 is directed to surrender before the Station House Officer, Nirmal-Town Police Station, Nirmal District, within a period of fifteen (15) days from today, and on such surrender, the said Station House Officer shall release the petitioner/Accused No.5 on bail on his executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with two sureties to the like sum each to his satisfaction.

ii) The petitioners shall abide by the other conditions stipulated in Section 438(2) Cr.P.C. and the petitioner/Accused No.5 shall appear before the Station House Officer concerned on every Sunday between 08.00 AM and 11.00 AM for a period of two (02) months or till filing of the charge sheet, whichever is earlier.

iii) Further it is needless to say the police are at liberty to file for cancellation of bail in the event of procuring any evidence linking Accused Nos.1 to 4 and petitioner/Accused No.5.

8. As a sequel thereto, miscellaneous applications, if any pending, shall stand closed.

K.SURENDER,J

Date :31.03.2022
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