

THE HONOURABLE DR. JUSTICE D. NAGARJUN

CRIMINAL PETITION No.3927 OF 2022

ORDER:

This Criminal Petition is filed under Section 438 Cr.P.C, to enlarge the petitioner on bail in connection with crime No.205 of 2021 registered for the offences under Sections 147, 148, 307 and 427 r/w 149 of IPC by Neredmet Police station, in the event of his arrest.

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

3. Learned counsel for the petitioner submits that the petitioner's name is not mentioned either in the complaint or in the remand report filed against accused Nos.1 to 6 therein. However, the police have been calling the petitioner frequently and asking him to surrender, otherwise, they will implicate him in the said case. Hence, prayed to grant anticipatory bail to the petitioner.

4. Learned Assistant Public Prosecutor also submitted that the name of the petitioner is not figured anywhere either in the complaint or in the remand report.

5. The case against accused Nos.1 to 6 is that they have made an attempt to kill the victim and on that a complaint against accused Nos.1 to 6 was registered for the offences under Sections 147, 148, 307, 427 r/w 149 IPC and all of them were arrested and sent to judicial custody.

6. Considering the facts that there are no overt acts against the petitioner and there is no mention of the petitioner's name either in the complaint or in the remand report about his involvement in the alleged offences, it is doubtful about the involvement of the petitioner in the alleged offences.

7. Accordingly, this petition is allowed and the petitioner is granted anticipatory bail subject to the following conditions

- (1) The petitioner is directed to surrender before the Station House Officer, Neredmet police station within ten days from the date of receipt of this order, and on such surrender, the petitioner is directed to be released on

bail on his executing a personal bond to the tune of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties to the like sum each to his satisfaction.

(2) The petitioner shall abide by the other conditions stipulated in Section 438(2) Cr.P.C and cooperate with the investigating officer in investigating the case as and when required.

(3) The petitioner shall appear before the concerned police on every Sunday between 9.00 am and 1.00 pm for a period of two months.

Miscellaneous Petitions, if any, pending, shall also stand closed.

Date: 05.05.2022
gvl

DR. D.NAGARJUN, J