

**THE HONBLE DR. JUSTICE D.NAGARJUN**

**CRIMINAL PETITION No. 4227 of 2022**

**ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") for enlarging the petitioner-accused No.5 on anticipatory bail in the event of arrest in connection with Crime No.57 of 2022 of Thorur Police Station registered for the offence punishable under Sections 143, 147, 120(B), 452, 307 read with Section 149 of the Indian Penal Code and Section 25(A) of the Arms Act.

2. The case of the prosecution is that on 07.03.2022 at 2.00 PM the *de-facto* complainant lodged a complaint alleging that on 06.03.2022 at about 10.30 PM, while the *de-facto* complainant was sleeping at the house on account of old grudges, accused Nos. 1 to 4 and some others have attacked their house, damaged the doors, attacked them with knives and ran away.

3. Learned counsel for the petitioner has submitted that none injured in the incident; accused Nos. 1 to 4 were already enlarged on bail and hence, prayed the Court to grant the relief as prayed for.

4. Learned Assistant Public Prosecutor has submitted that investigation is in progress and hence, sought for dismissal of the petition.

5. As seen from the complaint, there is no mention of the name of petitioner – accused No.5. Even in the remand report of accused Nos. 1 to 4 also though the name of accused No. 5 is mentioned, no overt-acts are attributed. There is no record as to how petitioner-accused No.5 is connected to the alleged offence. Further, accused Nos. 1 to 4 have already been enlarged on bail.

6. Considering the nature of the offence and as there are no overt-acts against the petitioner-accused No.5, this Court is inclined to grant anticipatory bail to the petitioner-accused No. 5.

7. In the result, this Criminal Petition is allowed and the petitioner-accused No. 5 is granted anticipatory bail subject to the following conditions:

- 1) Petitioner-accused No. 5 is directed to surrender before the Station House Officer, Thorur Police Station of Mahabubabad within ten days from the date

of this order and on such surrender, the petitioner-accused No. 5 is ordered 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 likesum each to his satisfaction.

2) Petitioner-accused No. 5 shall abide by the other conditions stipulated in Section 438 (2) of the Cr. P.C., and cooperate with the Investigating Officer in investigating the case as and when required.

3) Petitioner-accused No. 5 shall appear before the concerned Police on every Sunday between 9.00 AM to 1.00 PM for a period of two months.

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

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**DR. D.NAGARJUN, J**

Date: 05.05.2022  
AS