

THE HONBLE DR. JUSTICE D.NAGARJUN

CRIMINAL PETITION No. 4228 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.3 on anticipatory bail in Crime No.162 of 2022 of Kamareddy Police Station registered for the offence punishable under Sections 342, 354, 290, 323, 506, 427 read with Section 34 of the Indian Penal Code.

2. The case of the prosecution is that on 18.03.2022 at about 5.00 PM when the *de-facto* complainant and her friend were proceeding to their houses, when they reached Nakshatra Hospital, three persons came and damaged the mobile phone alleging that they were taking video and threatened them with dire consequences. When her friend Laxmi tried to intervene, one person caught hold of her hair and pulled her and thereafter they came to know the names of accused and one among them is the petitioner herein.

3. Heard learned counsel for the petitioner as well as learned Assistant Public Prosecutor and perused the record.

4. Learned counsel for the petitioner has submitted that even if the contents of the complaint are stated to be correct, there is no intention on the part of the petitioner-accused No. 3 and as during the course of altercation, by holding hair of the victim she was pushed aside. It is further submitted that the Police have almost completed investigation, except filing of charge sheet and that the petitioner is innocent and thereby sought for enlarging the petitioner on bail.

5. On the other hand, learned Assistant Public Prosecutor has submitted that the allegations leveled against the petitioner are very serious in nature and in case if the petitioner is enlarged on bail, he would try to obstruct rest of the investigation.

6. On perusal of the record, it is clear that there is no mention in the complaint or in the remand report as to what are the overt-acts attributed against each of the accused including the petitioner. Even according to the contents of the complaint, there was no intention to anyone of the accused to outrage the modesty of the victim. It was during the course of altercation, when the victim tried to intervene, she was pushed aside by holding her hair. The other accused Nos. 1 and 2 are stated to

have already been enlarged on bail.

7. Considering the nature of the offence and also considering the fact that there are no overt-acts against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner-accused No.3.

8. 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.3 is directed to surrender before the Station House Officer, Kamareddy Police Station within ten days from the date of this order and on such surrender, the petitioner-accused No.3 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.3 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.3 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.

DR. D.NAGARJUN, J

Date: 05.05.2022
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