

THE HONOURABLE SMT. JUSTICE G.ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION NO.4390 OF 2022

ORDER:-

1. This petition is filed under Sections 389 (2) and 482 of Cr.P.C. seeking to set aside the orders passed in Criminal Petition No. 128 of 2022 in Criminal Appeal No.87of 2022, dated 22.04.2022 on the file of the I Additional Metropolitan Sessions Judge, Hyderabad, preferred against the Judgment in CC. No. 36 of 2018, dated 07.02.2022 on the file of V Addl. Chief Metropolitan Magistrate-cum-Principal Magistrate of Juvenile Justice Board at Hyderabad and to enlarge the petitioner/ Accused No.1 on bail pending disposal of the appeal.
2. The learned counsel for the petitioner/A.1 submits that bail application was filed under Sec. 389 (2) and 482 of Cr.PC to suspend the sentence of imprisonment imposed against the petitioner/A1 in CC. No. 36 of 2018, dated 07.02.2022 on the file of the V Addl. Chief Metropolitan Magistrate-cum-Principal Magistrate-cun-Juvenile Justice Board at Hyderabad but the same was dismissed.
3. On a perusal of the impugned order passed by the 1st Additional Metropolitan Sessions Judge, Hyderabad, it is evident that the relief of

suspension of sentence of imprisonment imposed against the petitioner/A.1 was dismissed on the ground that the petitioner not only committed rape on the victim girl, but also he disclosed the same to his friends. The record further reveals that the sentence of imprisonment imposed against A.2 and A.3 was alone suspended on 03.03.2022 vide CrI.MP 47 of 2022 in CrI.Appeal No. 37 of 2022. Therefore, it is also a fit case to suspend the sentence of imprisonment alone imposed by the trial Court against the petitioner/A.1.

4. Accordingly, this petition is allowed by setting aside the order in Criminal Petition No. 128 of 2022 in Criminal Appeal No. 87 of 2022, dated 22.04.2022 on the file of the I Addl. Metropolitan Sessions Judge, Hyderabad against the Judgment in CC. No. 36 of 2018, dated 07.02.2022 on the file of V Addl. Chief Metropolitan Magistrate-cum-Principal Magistrate of Juvenile Justice Board at Hyderabad and the petitioner/Accused No.1 is directed to be released on bail on the same bail bonds and sureties which were furnished by petitioner/A.1 before the trial Court.

G.ANUPAMA CHAKRAVARTHY, J

Date :12.05.2022

trr