THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.4465 OF 2022

ORDER:

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking bail to the petitioner who is arrayed as Accused No.24 in the event of his arrest in Crime No.22 of 2022 on the file of Jagtial (R) Police Station, Jagtial District, registered for the offence punishable under Section 120B, 147, 148, 302 read with Section 149 of Indian Penal Code.

2. Heard learned counsel for petitioner/Accused No.24 and learned Assistant Public Prosecutor for respondent-State. Perused the record.

3. The case of the prosecution is that the present crime came to be registered on the basis of complaint lodged on 20.01.2022 in which A1 to A8 were named as Accused along with some others for the reason of attacking persons in community association office in between 11.30 AM and 12.00 Noon. The said attack according to the prosecution was for the reason of running septic tank cleaning services and due to the said business conflicts of running the very

same business. The named Accused Nos.1 to 8 according to the First Information Report have criminally conspired to kill the deceased. During the course of investigation, the police found in all 24 persons were complicit for the said attack.

4. Learned counsel for the petitioner submits that according to the remand report dated 23.01.2022 the Accused Nos.17 to 24 though came down to Jagitial from Siricilla to support the other Accused Nos.1 to 16 in attacking the deceased. The police have found only Accused Nos.1 to 16 at the scene of offence as the persons who attacked the deceased. He further submits that all the accused who have been arrested have been released on bail.

5. Learned Assistant Public Prosecutor opposed the bail application on the ground that brutal attack had taken place that resulting the death of three persons. However, learned Assistant Public Prosecutor failed to come up with any reason to substantiate for any custodial interrogation of this petitioner.

6. In the said circumstances, when it is alleged against this petitioner that he would contribute some money towards the expenditure incurred for attacking the deceased and admittedly

when he was not at the scene, the said claim of police is based upon confession of other accused, the petitioner can be granted the relief of anticipatory bail.

7. Accordingly, the Criminal Petition is allowed and the petitioner/Accused No.24 shall be enlarged on bail in the event of his arrest subject to the following conditions:

i) The petitioner/Accused No.24 is directed to surrender before the Station House Officer, Jagtial (R) Police Station, Jagtial District, within one week from today, and on such surrender, he shall be enlarged 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 its satisfaction.

ii) On such release, the petitioner/Accused No.24 shall appear before the investigating authorities on every Sunday between 10.00 AM and 01.00 PM for a period of three (03) months or till filing of charge sheet, whichever is earlier.

iii) The petitioner/Accused No.24 shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

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

K.SURENDER, J

Date: 13.06.2022
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