

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.4755 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 in the event of his arrest in Crime No.90 of 2022 on the file of Halia (Alwal) Police Station, Nalgonda, registered for the offence punishable under Section 306 of Indian Penal Code.

2. Heard learned counsel for petitioner/Accused and learned Assistant Public Prosecutor for respondent-State. Perused the record.

3. The case of the prosecution is that the deceased was involved in collecting money from farmers for drip pipe lines and subsequently failed to arrange the said drip pipe lines and he was arrested on a complaint being lodged by the victims who had in fact given money.

4. Learned Assistant Public Prosecutor on instructions would submit that this petitioner is also one of the persons who had given

an amount of Rs.39,000/- to the deceased for purchase of said drip pipes.

5. In the said circumstances when the petitioner was insisting to pay back his amount which was given earlier, it cannot be said that it amounts to an offence under Section 306 of IPC, thus, this court is inclined to grant the relief of anticipatory bail to the petitioner/Accused.

6. Accordingly, the Criminal Petition is allowed and the petitioner/Accused shall be enlarged on bail in the event of his arrest subject to the following conditions:

i) The petitioner/Accused is directed to surrender before the Station House Officer, Halia (Alwal) Police Station, Nalgonda 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.10,000/- (Rupees Ten Thousand Only) with two sureties to the like sum each, to its satisfaction.

ii) On such release, the petitioner/Accused shall appear before the investigating authorities as and when required.

iii) The petitioner/Accused shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

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

Date: 16.06.2022
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K.SURENDER, J