

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.5264 OF 2022****ORDER:**

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner who is arrayed as Accused No.3 in S.C.No.149 of 2022 (S.C.No.1094 of 2019) pending on the file of I Additional District and Sessions Judge at Malkajgiri in Crime No.332 of 2022 of Medipally Police Station registered for the offences punishable under Sections 120-B, 302 read with Section 34, 148, 149, 212 and 109 of Indian Penal Code and Section 25(1)(b) of Indian Arms Act.

2. Heard learned counsel for the petitioner/Accused No.3 and learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. The petitioner is arrayed as Accused No.3 in S.C.No.1094 of 2019 which case is registered for the offence under Sections 120-B, 302 read with Section 34, 148, 149, 212 and 109 of Indian Penal Code and Section 25(1)(b) of Indian Arms Act. This petitioner was

earlier released on bail. Since the petitioner was absent, the learned Sessions Judge split up the case after issuing warrants to this petitioner. This petitioner, however, surrendered before the learned Sessions Judge on 13.04.2022 and filed an application seeking recall of the pending warrants against him. The learned Sessions Judge was pleased to dismiss the petition and remanded the petitioner to judicial custody on the very same day.

4. According to the learned counsel for the petitioner, the split up case and the original case are being tried together and nearly 25 witnesses are already examined and the petitioner undertakes to appear on all dates of hearing before the trial Court.

5. As seen from the record, there are 25 witnesses who were already examined and the petitioner is in jail since three months. However, the petitioner undertakes to appear on every date of hearing, for which reason, the petitioner/Accused No.3 can be granted the relief of bail subject to conditions.

6. Accordingly, the Criminal Petition is allowed and the petitioner/Accused No.3 is granted bail subject to the following conditions:

- i) The petitioner/Accused No.3 shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of I Additional District and Sessions Judge at Malkajgiri.
- ii) The petitioner/Accused No.3 shall appear before the trial Court on every date of hearing without fail.
- iii) The petitioner/Accused No.3 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Date: 12.07.2022
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K.SURENDER, J