

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.6229 OF 2022****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking bail to the petitioners who are arrayed as Accused Nos.1 to 3 in the event of their arrest in Crime No.326 of 2022 on the file of Station House Officer, Shamshabad Police Station, Cyberabad registered for the offence punishable under Section 306 read with Section 34 of Indian Penal Code.

2. Heard learned counsel for petitioners/Accused Nos.1 to 3 and learned Assistant Public Prosecutor for respondent-State. Perused the record.

3. The police registered the present crime under Section 306 of IPC on the basis of the complaint stating that the complainant's brother was beaten by these petitioners in an altercation regarding switching off the bore motor. Since the brother was beaten by these petitioners he was depressed and hanged himself.

4. Learned counsel for the petitioners submits even as per the complaint there is an altercation between the deceased and the petitioners, the said altercation would not amount to an offence of abetment as required under Section 109 IPC to attract Section 306 IPC.

5. Learned Assistant Public Prosecutor opposes the bail application.

6. In the said circumstances of an altercation without intent, the petitioners can be granted the relief of anticipatory bail.

7. Accordingly, the Criminal Petition is allowed and the petitioners/Accused Nos.1 to 3 shall be enlarged on bail in the event of their arrest subject to the following conditions:

i) The petitioners/Accused Nos.1 to 3 are directed to surrender before the Station House Officer, Shamshabad Police Station, Cyberabad within one week from today, and on such surrender, they shall be enlarged on bail on their executing personal bonds for a sum of Rs.20,000/- (Rupees Twenty Thousand Only) each with two sureties to the like sum each, to its satisfaction.

ii) The petitioners/Accused Nos.1 to 3 shall appear before the concerned Station House Officer on every Monday between 10.00 AM and 01.00 PM for a period of eight (08) weeks.

iii) The petitioners/Accused Nos.1 to 3 shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

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

Date: 21.07.2022
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K.SURENDER, J