

**THE HONOURABLE SRI JUSTICE K.SURENDER****CRIMINAL PETITION NO. 8483 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 petitioners/A1, A4 & A5 in connection with Crime No.100 of 2022 on the file of Shahinayathgunj Police Station, Goshamahahal Division, Hyderabad, for the offences punishable under Sections 302, 324, 120 (B) read with 34 of the Indian Penal Code and Section 24(1)(a) of the Arms Act.

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

3. The petitioners were arrested on 25.05.2022 and remanded to judicial custody on 26.05.2022. The statutory period is 90 days as the offence involved under section 302 of IPC. The statutory period of 90 days expires on 24.08.2022. Admittedly as on the date of expiry of statutory period of 90 days, there was no charge sheet which was filed and pending before the concerned court. The petitioners moved petition under section 167(2) of the Cr.P.C. which was decided by the Court below on 01.09.2022 holding that

as the charge sheet was filed on 20.08.2022, the petition under Section 167(2) of Cr.P.C. was not maintainable and numbered the case as PRC.274/2022.

4. The petitioner has filed the proceedings of the lower Court, according to which, though the charge sheet was filed on 20.08.2022, the same was returned on the same day. However, on 27.08.2022, the charge sheet was resubmitted by complying the objections.

5. Admittedly, the application under Section 167(2) was filed on 26.08.2022 on which date there was no charge sheet which was filed before the Court. It is not the case that the charge sheet was filed and pending taking cognizance by the concerned Court. When there was no charge sheet which was pending at the 90<sup>th</sup> day, the concerned Court ought to have allowed the petition under Section 167(2) which was filed on 26.08.2022 on which date admittedly the charge sheet was not on the file of the concerned Court.

6. Accordingly, the docket order dt.01.09.2022 of the XVI Additional Chief Metropolitan Magistrate, Hyderabad in CrI.MP.No.1330/2022 is set aside and the petitioners are directed to be released on bail on the following conditions.

i) The petitioners/A1, A4 & A5 shall execute personal bonds for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties for a like sum each to the satisfaction of XVI Additional Chief Metropolitan Magistrate, Hyderabad.

(ii) The petitioners/A1, A4 & A5 shall appear before the concerned Court as and when required.

iii) The petitioners/A1, A4 & A5 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

Date: 27.09.2022  
tk

---

**K.SURENDER, J**

**THE HON'BLE SRI JUSTICE K.SURENDER**

**CRIMINAL PETITION NO. 8483 OF 2022**

**Dt.27.09.2022**

tk