

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.8584 OF 2022****ORDER:**

This Criminal Petitions 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 & A2 in connection with Crime No.426 of 2022 of Subedari Police Station, Hanamkonda District, for the offences punishable under Sections 420, 506 read with 34 of the Indian Penal Code.

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

3. As seen from the Remand Report, notice under Section 41-A of Cr.P.C was not served on the petitioners. The punishment prescribed for the offences alleged against these petitioners is less than seven years. In the Judgment rendered by the Honourable Supreme Court in ***Satender Kumar Antil v. Central Bureau of Investigation and anr***¹ it was held that in the absence of following the procedure under Section 41-A of Cr.P.C. when contemplated, the Courts have to grant bail.

¹ 2022 LiveLaw (SC) 577

4. Section 41 of Cr.P.C contemplates, seeking explanation from the accused merely indicating that sureties were not furnished, is not sufficient compliance of Section 41-A.

5. Following the aforesaid directions of the Honourable Supreme Court, the petitioners are entitled for grant of regular bail on the following conditions.

i) The petitioners/A1 & A2 shall execute personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh) each with two sureties for a like sum each to the satisfaction of III Additional Judicial First Class Magistrate, Hanamkonda.

ii) The petitioners/A1 & A2, after release shall appear before the concerned Station House Officer, every day at 10.00 A.M. for a period of one month, for the purpose of investigation.

iii) The petitioners/A1 & A2 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

6. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

K.SURENDER, J

Date: 23.09.2022
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THE HON'BLE SRI JUSTICE K.SURENDER

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Dt.23.09.2022

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