

HON'BLE SRI JUSTICE A. VENKATESHWARA REDDY

CRIMINAL PETITION No.500 OF 2022

ORDER:

Heard learned counsel for the petitioners and learned Assistant Public Prosecutor representing on behalf of learned Public Prosecutor.

2. This Criminal Petition is filed under Section 438 of Criminal Procedure Code (for short, 'the Cr.P.C.') by the petitioners/A1 to A4. As per the record, earlier they filed CrI.P.No.6580 of 2021 and the same was disposed of by this Court, which reads as under:

"5. Under these circumstances, the petitioners/A1 to A4 are granted liberty to file a fresh application under Section 438 Cr.P.C. before the learned XVI Additional Metropolitan Sessions Judge, Cyberabad at Malkajgiri, Ranga Reddy District, narrating the true facts to the Court and seek appropriate order, in accordance with law. However, the Station House Officer, Malkajgiri Police Station, Rachakonda Commissionarate, shall not arrest the petitioners/A1 to A4 for a period of two (2) weeks from today or till disposal of the application that may be filed by the petitioners/A1 to A4 before the Court below, whichever is earlier."

3. It appears, thereafter the petitioners approached the Additional District and Sessions Judge at Malkajgiri and filed CrI.P.No.303 of 2021 under Section 438 Cr.P.C. for grant of anticipatory bail. Learned IV Additional District Judge holding the Full Additional Charge of XVI Additional District and Sessions Judge at Malkajgiri, Ranga Reddy District, dismissed the said application with an observation at paragraph No.6, which reads as under:

"... I have perused the record. The case is still under investigation. Since the charge sheet is not yet filed. In view of nature and gravity of the offences, this Court is of the considered opinion that it is not a fit case to grant anticipatory bail to the petitioners."

4. Learned counsel for the petitioners seeks to submit that the petitioners/A1 to A4 are ready and willing to cooperate and there was no occasion that the petitioners have failed to assist the police in the course of investigation. The crime is registered in the year 2020. The learned Additional Public Prosecutor seeks to submit that some witnesses were examined and the investigation is in progress.

5. Be that as it may, it is not the case of the State that the petitioners/A1 to A4 are not available or that they are not cooperating for further investigation. Therefore, considering the nature of the offence punishable under Section 498-A and 306 of Indian Penal Code and the relationship of the petitioners/A1 to A4 with the deceased, I am of the considered opinion that the petitioners are entitled for anticipatory bail with a condition that they should be available to the investigating agency as and when required.

6. In the result, the Criminal Petition is allowed. The petitioners/A1 to A4 shall surrender themselves before learned XVII Metropolitan Magistrate at Malkajgiri on or before 04.02.2022. On such surrender, they shall be released on bail on their executing personal bonds for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties for a like sum each to the satisfaction of the learned Magistrate. It is needless to mention that the petitioners/A1 to A4 shall appear before the police, as and when required by the investigating authorities, and shall cooperate for further investigation.

A. VENKATESHWARA REDDY, J

Date:28.01.2022

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