

THE HONOURABLE DR. JUSTICE D.NAGARJUN

CRIMINAL PETITION No.425 of 2023

O R D E R:

This Criminal Petition is filed by the petitioner/Accused No.1 under Section 438 of the Criminal Procedure Code seeking bail in FIR No.223 of 2022 on the file of Haliya Police Station, Nalgonda registered for the offences punishable under Sections 307, 120b read with 34 of Indian Penal Code.

2. Heard Sri N.Naveen Kumar, learned counsel for the petitioner/accused No.1 and Sri T.V.Ramana Rao, learned Additional Public Prosecutor for respondent/State and perused the record.

3. As per the remand report, on 22.11.2022 at about 8:00pm A2 to A5 have attacked the LW2. A3 took chilli powder in his hands and sprinkled it in the eyes of LW2 and alleged to have beat him with sticks on his head, hands and legs, thereby LW2 victim has sustained severe injuries on all parts of the body including the head, on which accused became unconscious. Accused 2 to 5 have felt that the victim was no more, and thereby they left the place. Basing on the complaint

of defacto complainant a case has been registered, the statement of complainant, victim, LW2 and other witnesses were recorded.

4. Learned counsel for the petitioner submitted that petitioner/accused no.1 was not present at the scene of offence has not admittedly participation in commission of the offences along with other accused 2 to 5. Defacto complainant has stated in his statement recorded under Section 161 of Cr.P.C., that the accused No.1 could have been present in the scene of offence, but there is no material to that extent. This is a second anticipatory bail application, earlier bail application was dismissed on the ground that investigation is not completed. Learned V Addl. Sessions Judge, Miryalaguda has enlarged accused Nos. 2 to 5, vide Crl.M.P.No. 370 of 2022, while observing that investigation is completed.

5. It is represented by the learned Additional Public Prosecutor that the injured was admitted in hospital and that accused Nos. 2 to 5 were already enlarged on bail.

6. As rightly pointed out by learned counsel for the petitioner, as per the remand report or the complaint there is

nothing to show that A1 has assigned other accused Nos.2 to 5 to kill injured. Considering the totalling of the circumstances and the investigation is already been completed and the Accused Nos.2 to 5 were already released, this Court is of the view that petitioner/A2 can also be granted bail.

7. Accordingly, the Criminal Petition is allowed and the petitioner/Accused No.1 is ordered to be enlarged on bail subject to the following conditions:

i) The petitioner/Accused No.1 is directed to be released on bail on his executing personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of Station House Officer, Haliya Police Station, Nalgonda District.

ii) On such release, as the petitioner/Accused is directed to appear before the Haliya Police Station, Nalgonda +on every Monday between 10:00 AM to 12:30 PM., until further orders or until charge sheet is filed, whichever is earlier.

iii) The petitioner/Accused no.1 shall abide by the

other conditions stipulated in Section 438(2) of the Criminal Procedure Code.

As a sequel, pending Miscellaneous Applications, if any, shall stand closed.

DR. D.NAGARJUN, J

Date: 19-Jan-2023
pss

THE HONOURABLE DR. JUSTICE D.NAGARJUN

CRIMINAL PETITION No.425 of 2023

Date:19-Jan-2023

pss