

THE HON'BLE SRI JUSTICE A. SANTHOSH REDDY

CRIMINAL PETITION No.3971 of 2023

ORDER:

This Criminal Petition under Section 438 Cr.P.C. is filed by petitioners – Accused Nos.1 to 6 in Crime No.209 of 2023 on the file of VIII Metropolitan Magistrate, Cyberabad at Medchal, Medchal District, registered for the offences punishable under Sections 324 and 506 IPC, seeking anticipatory bail.

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

3. Learned counsel for the petitioners/accused submits that earlier the petitioners have moved Criminal Petitions i.e. CRLP Nos.3391 of 2023, 3403 of 2023 and 3987 of 2023 before this court and this court has disposed of all the said three petitions directing the police to follow the procedure laid down under Section 41A Cr.P.C and also the guidelines issued by the Hon'ble Supreme Court in case of *Arnesh Kumar v. State of Bihar*. He submits that subsequently, during the course of investigation, a section alteration memo was filed by the police wherein, they have sought to alter the section of law from 324 IPC to 326 IPC, as such, they have moved this application to grant anticipatory

bail as the petitioners are innocent and they were falsely implicated in this case. It is submitted that no allegations are made out against the petitioners i.e. Accused Nos.3 to 6 and the allegations are made against accused Nos.1 and 2 and hence, he seeks permission to withdraw the petition against Accused Nos.1 and 2.

4. Learned Assistant Public Prosecutor opposed for grant of anticipatory bail.

5. On perusal of the record disclosed that the allegations of complaint revealed that the main allegations are against accused Nos.1 and 2.

6. In view of the said facts and circumstances and considering the submissions of the learned counsel for the petitioners as well as the learned Assistant Public prosecutor, I am inclined to allow the petition against accused Nos.3 to 6 only on certain conditions.

7. The Criminal Petition is partly allowed. Petitioners - Accused Nos.3 to 6 shall surrender before the VIII Metropolitan Magistrate, Cyberabad at Medchal, Medchal District within a period of two weeks from the date of receipt of a copy of this order and on such surrender, they shall be enlarged on bail on

their executing a personal bond 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.

8. As far as the criminal petition against accused Nos.1 and 2 is concerned, permission is accorded to withdraw the criminal petition.

4th May, 2023
gvl/pld

A. SANTHOSH REDDY, J