

THE HONOURABLE SRI JUSTICE SAMBASIVA RAO NAIDU

CRIMINAL PETITION No.4687 OF 2023

ORDER:

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 seeking to enlarge the petitioner/accused No.2 on bail in connection with Crime No.87 of 2023 of Thorrur Police Station, Mahabubabad District, registered for the offences punishable under Sections 307, 420 read with Section 34 of Indian Penal Code and Section 7 of the Essential Commodities Act.

2. Heard learned counsel for the petitioner/accused No.2 and the learned Additional Public Prosecutor representing the respondent-State.

3. The case of the prosecution against the petitioner is that in view of the disputes between accused No.1 and the husband of *de facto* complainant, accused No.1 made an attempt on the life of the husband of *de facto* complainant with the help of the petitioner/accused No.2. As per the complaint lodged by the *de facto* complainant, it is specifically alleged that accused No.1 instigated the petitioner herein,

who was the driver of the lorry, to dash against the injured husband of *de facto* complainant with an intention to kill him.

4. Learned counsel for the petitioner/accused No.2 submits that the petitioner/accused No.2 was arrested on 11.04.2023 and the material portion of investigation has already been completed.

5. Learned Additional Public Prosecutor appearing for the respondent has opposed the bail on the ground that the investigation is still pending.

6. As per the Remand Case Diary, the injured received fracture injury to his left leg. The petitioner is in jail for more than one month. Since the material witnesses were already examined, the question of petitioner influencing the witnesses or tampering with the evidence may not arise. Therefore, the petitioner/accused No.2 is ordered to be released on bail on the following conditions:

- i) The petitioner/accused No.2 is directed to be released on bail on his executing personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for like sum each, to the satisfaction of the Court concerned.
- ii) On such release, the petitioner/accused No.2 shall appear before the Station House Officer,

Thorrur Police Station, Mahabubabad District, once in a month i.e. on every first Monday between 10.00 A.M. and 05.00 P.M, for a period of three months or till filing of the charge sheet, whichever is earlier.

- iii) In case, the petitioner/accused No.2 holds a passport, he is directed to surrender the same before the Court concerned.
- iv) The petitioner/accused No.2 shall cooperate with the Investigating Officer in investigating the case and shall not leave the headquarters without prior permission of the Court concerned.
- v) The petitioner/accused No.2 shall file an affidavit before the Court concerned disclosing his contact number, mail address and residential particulars.
- vi) The petitioner/accused No.2 shall comply with the conditions as laid down under Section 437 (3) of Cr.P.C.

Accordingly, the Criminal Petition is allowed.

JUSTICE SAMBASIVA RAO NAIDU

18th May, 2023.

DUA/SVL

THE HONOURABLE SRI JUSTICE A.SANTHOSH REDDY

CRIMINAL PETITION No.4687 OF 2023

18th May, 2023.

DUA/SVL