

THE HONBLE SRI JUSTICE SAMBASIVA RAO NAIDU

CRIMINAL PETITION No.4690 of 2023

ORDER:

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 with a prayer to grant anticipatory bail to the petitioner/Accused No.2 in Crime No.23 of 2023 on the file P.S, Kalapather, Hyderabad, for the offences under Sections 341, 323 and 307 read with 34 IPC.

2. The brief facts of the case as per the FIR and other record are that on 03.02.2023, when the de facto complainant was proceeding towards his house, he found a person by name Caller Imran along with his brother (whose name is not mentioned in the report or in the remand case diary) and they abused him in filthy language. It is further alleged that the said Caller Imran and his brother attacked him and beat him on his chest and stomach with hands and Caller Imran took out a knife and tried to attack him, however, he successfully escaped from the attack and reached the police station and lodged a complaint.

3. Learned counsel for the petitioner submitted that the name of the petitioner herein is not mentioned in the F.I.R. or

in the remand report. It is further submitted that the *de facto* complainant suffered only with minor injuries. The petitioner herein is falsely implicated in the present crime

4. Learned Additional Public Prosecutor opposed to grant pre-arrest bail to the petitioner.

5. Even as per the complaint lodged by the *de facto* complainant, the offence under Section 307 IPC is attributed to accused No.1, who was already remanded to Judicial custody. Therefore, the allegations even if accepted are under Section 341 and 323 of IPC, which are not punishable with any severe punishment. The medical certificate produced before the Court shows that the *de facto* complainant has suffered scratch injuries and complained pain in the abdomen before the Medical Officer. Therefore, it is a fit case where the petitioner can be granted pre arrest bail.

7. Accordingly, the Criminal Petition is allowed and the petitioner/Accused No.2 shall be enlarged on bail in the event of his arrest subject to the following conditions:

- i) The petitioner/Accused No.2 is directed to surrender before the Court concerned on or before 25.05.2023. On such surrender, he shall be enlarged on bail on executing a personal bond for Rs.10,000/- (Rupees Ten Thousand Only) with two sureties for the like sum to the satisfaction of the Court concerned.
- ii) In case, the petitioner/Accused No.2 holds a passport, he is directed to surrender the same before the Court concerned.
- iii) The petitioner/Accused No.2 shall cooperate with the investigating officer for proper investigation of the case.
- iv) The petitioner/Accused No.2 shall not involve in any unlawful activity.
- v) The petitioner/Accused No.2 shall not leave the headquarters without the prior permission of the Court concerned.
- vi) The petitioner/Accused No.2 shall not tamper with the evidence in any manner.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE SAMBASIVA RAO NAIDU

Date: 18.05.2023
gvl/smk

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