

THE HON'BLE SRI JUSTICE M.LAXMAN

CRIMINAL PETITION No.5356 of 2023

ORDER:

1. This petition is filed seeking to grant regular bail under Sections 437 and 439 of Criminal Procedure Code, 1973 (Cr.P.C). The petitioner is the sole accused in F.I.R.No.82 of 2023 of Bhainsa Town Police Station, Nirmal District. The offence alleged against the petitioner is under Sections 307 and 506(ii) of IPC.

2. The case of the prosecution is that there was a quarrel between the accused and family of the deceased over not showing face of the deceased, who is the father of the wife of the accused. The allegation is that keeping the above thing in view, the accused allegedly tried to attack on the family members of the deceased with knife. Hence, the complaint.

3. Learned counsel for the petitioner stated that the petitioner is innocent and a false case has been foisted against him. Hence, he requested this Court to enlarge the petitioner on bail.

4. Learned Additional Public Prosecutor appearing for the respondent – State, opposed to grant bail.

5. Heard the learned counsel on either side and perused the material placed on record.

6. From a perusal of the remand report, the only allegation is that the accused threatened the deceased and his family members with knife but there are no stab injuries. Further, it appears that out of emotions only the incident had occurred.

7. Taking into consideration the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Petition is allowed and the petitioner/accused shall be released on bail on the following terms and conditions:

(i) The petitioner/accused shall be released on bail on his executing a personal bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum each to the satisfaction of the learned Judicial First Class Magistrate, Bhainsa.

(ii) The petitioner/accused shall not directly or indirectly influence or make any witnesses or complainant.

(iii) The petitioner/accused shall not indulge in similar type of offences till conclusion of trial and if it is found that the petitioner is involved in similar type

of offences in future, the bail granted to him shall automatically stands cancelled and he shall be taken into custody forthwith.

(iv) The petitioner/accused shall make available with the investigating agency for proper investigation and he shall fully cooperate with the investigation agency. He shall not at in any manner which will be prejudicial to fair and expeditious investigation.

26.06.2023
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