

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No. 5732 OF 2023

ORDER:

1. This petition is filed under Sections 437 and 439 of Code of the Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking regular bail. The petitioner herein is accused No.2 in Crime No.238 of 2022 of Tandur Town Police Station, Vikarabad District. The offences alleged against the petitioner are punishable under Sections 307 and 353 read with 34 of the Indian Penal Code, 1860.

2. The sum and substance of case of the prosecution is that the crime team of Tandur Police Station, in search of finding out unknown offenders who committed theft of cash in attention diverted cases, went to SBI Bank, for observation. There, they found accused Nos. 1 and 2 suspiciously. When the police tried to stop the petitioner herein and accused No.1, they pushed the complainant aside and ran away. The *de facto* complainant chased and caught hold of accused No.1 upon which he tried to escape by biting the left hand of *de facto* complainant. When other constable approached, accused No.1 took out knife and tried to stab complainant. Then, other people came and rescued

the *de facto* complainant and caught hold accused No.1. The petitioner herein already fled away towards railway station.

3. Heard both sides.

4. The allegations attracting Section 307 of IPC are made against accused No.1 only. Coming to the other offence alleged under Section 353 of the Indian Penal Code 1860, the complaint itself discloses that the *de facto* complainant was in mufty duty. Further, it is not on record that he proclaimed his identity before the accused when he tried to stop the accused. In the said circumstances, the request of the petitioner to grant bail can be considered with certain conditions.

5. In the result, the Criminal Petition is allowed and the petitioner/accused No.2 shall be released on bail on the following terms and conditions:

- (i) The petitioner shall be released on bail on his executing a personal bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a like sum each to the satisfaction of the Judicial First Class Magistrate, Tandur, Vikarabad District.
- (ii) The petitioner shall appear before the Station House Officer, Tandur Town Police Station, on every Sunday between 10.00 am and 5.00 pm till filing of charge sheet.

- (iii) The petitioner shall not directly or indirectly influence or make any witnesses or complainant.
- (iv) He 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.
- (v) The petitioner shall make available with the investigating agency for proper investigation and he shall fully cooperate with the investigating agency. He shall not act in any manner which will be prejudicial to fair and expeditious investigation.

JUSTICE M. LAXMAN

Date: 05.07.2023
FM/TJMR

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