

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No.5894 OF 2023

ORDER:

1. This petition is filed under Section 438 of Criminal Procedure Code, 1973 (Cr.P.C) seeking anticipatory bail to the petitioner, who is arrayed as accused No.5 in Crime No.338 of 2023 of Saroornagar Police Station, Rachakonda. The offences alleged against the petitioner are under Sections 448, 427, 506, 323 and 307 of the Indian Penal Code and Section 25(1A) of Arms Act read with Section 34 of IPC.

2. The sum and substance of case of the prosecution is that accused No.1 and LW4 allegedly had a financial transaction and there was a dispute in this regard. Accused No.1 allegedly abused the family members of LW4, therefore, LW4 called victims and they allegedly admonished. Keeping the same in view, on the next day accused Nos.1 and 2 allegedly went to the house of the victims and forcibly taken them to Saroornagar tank bund and accused No.2 allegedly attacked with knife. The present petitioner was already present at Saroornagar tank bund.

3. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent - State.

4. Except the allegation that the petitioner was present at the tank bund, there is no specific overt act played by the petitioner. In the attack, it is the accused Nos.1 and 2 who are holding the knife and accused No.2 allegedly attacked the victims with knife. Except the presence of the petitioner - accused No.5 in the mob, there is no specific overt act against him, therefore, the petitioner - accused No.5 can be granted bail.

5. Accordingly, the Criminal Petition is allowed and the petitioner-accused No.5 shall be released on bail on the following terms and conditions:

- (i) The petitioner-accused No.5 is enlarged on bail in the event of his arrest in connection with FIR No.338 of 2023 on the file of the Station House Officer, Saroornagar Police Station, Rachakonda on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties to the like sum each to the satisfaction of concerned Station House Officer.

- (ii) The petitioner-accused No.5 shall appear before the Station House Officer, Saroornagar Police Station, Rachakonda on every Sunday between 10.00 am and 05.00 pm, for a period of two (02) months.
- (iii) The petitioner-accused No.5 shall abide by the other conditions stipulated in Section 438 (2) Cr.P.C and co-operate with the Investigating Officer in investigating the case.

JUSTICE M. LAXMAN

Date: 10.07.2023
ns/pss

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