

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 7539 of 2023

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. by the petitioner/Accused No.1 seeking bail in the event of his arrest in connection with Crime No.21 of 2023 dated 08.05.2023 on the file of Beerpur Police Station, Jagtial District registered for the offences punishable under Sections 307 read with 34 of Indian Penal Code (for short "IPC").

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State and perused the record.

3. The *de facto* complainant handed over the telugu written complaint on 08-05-2023 alleging that while he was going on two-wheeler bearing No.TS-02-EM-2142 along with his daughter, at that time two unknown persons followed them in a commander vehicle and dashed the vehicle from behind. Two persons got down

from the Jeep and tried to kill *de facto* complainant with a sword. However, the *de facto* complainant retaliated and they fled.

4. During course of investigation, it was revealed that two persons who attacked the *de facto* complainant were engaged by this petitioner who is the brother of victim, to kill him. An amount of Rs.4,00,000/- was also given by this petitioner.

5. Learned counsel would submit that the petitioner is suffering from HIV/AIDS and undergoing treatment. The said fact is not disputed by the learned public prosecutor. Since, the implication of the petitioner is only on the basis of confession of accused who were arrested in the crime, relief of anticipatory bail can be granted.

6. Further keeping in view that this petitioner is suffering from HIV/AIDS disease, this Court deems it appropriate to order as follows:-

- 1) The petitioner/Accused No.1 is directed to surrender before the Station House Officer, Beerpur Police Station, Jagtial District on 23.08.2023. Upon such surrender, the said Station House Officer shall release the petitioner/Accused No.1 on bail, on his executing personal bond for a sum of Rs.25,000/- (Rupees Twenty five Thousand only) with two sureties for a like sum each to his satisfaction.
- 2) On such release, the petitioner/Accused No.1 shall appear before the concerned police every Monday and Wednesday for eight weeks at 10.00 a.m. or till filing of charge sheet whichever is earlier and thereafter, as and when required for the purpose of investigation .
- 3) The petitioner/Accused No.1 shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.

7. Accordingly, the Criminal Petition is allowed. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

Date : 21.08.2023
dsv/fm

K.SURENDER, J

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Dt.21.08.2023

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