

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.8302 of 2023

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. by the petitioner/Accused No.8 seeking bail in the event of his arrest in connection with Crime No.73 of 2023 of Bhainsa Town Police Station, Nirmal District, registered for the offences under Sections 143, 147, 353, 332, 307 and 427 read with 149 of IPC.

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

3. The petitioner is seeking the relief of anticipatory bail. The *de facto* complainant is a reserved police constable of 7th Battalion and while he was discharging his duties on 17.05.2023 it is alleged that the petitioner, along with seven others, confronted him, abused him in filthy language and also tried to throttle him and seized the cell phone.

4. Learned counsel appearing for the petitioner would submit that in respect of the very same incident two other crimes were also registered. However, this petitioner was not named in other two crimes.

5. On the other hand, learned Additional Public Prosecutor would submit that the petitioner is also involved in other cases of similar nature.

6. The incident happened on 17.05.2023 and there are no injuries that were received by the *de facto* complainant. However, it is alleged that one of the accused tried to throttle the *de facto* complainant/constable.

7. Since there is no specific allegation that this petitioner had tried to throttle the *de facto* complainant, this Court deems it appropriate to grant the relief of anticipatory bail to the petitioner/accused No.8 subject to the following conditions:

- 1) The petitioner/Accused No.8 is directed to surrender before the Station House Officer, Bainsa Town Police Station, Nirmal District on 11.09.2023. Upon such surrender, the said Station House Officer shall release the petitioner/Accused No.8 on bail, on his executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for a like sum each to his satisfaction.
- 2) On such release, the petitioner/Accused No.8 shall appear before the concerned Police on everyday from 10 AM to 1 PM for a period of four (04) weeks.
- 3) The petitioner/Accused No.8 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.

4) In the event of the petitioner/Accused No.8 not assisting the investigation or not following the conditions, the police are at liberty to seek cancellation of the bail.

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

06.09.2023
gkv/dgr

K.SURENDER, J

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Dt.06.09.2023

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