

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.8404 OF 2023

ORDER:

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973, seeking bail to the petitioners who are arrayed as accused Nos.1, 2 and 6 in the event of their arrest in Crime No.150 of 2023 pending on the file of Station House Officer, Kesamudram Police Station, Mahabubabad District, filed for the offence punishable under Section 307 of the Indian Penal Code.

2. Heard learned counsel for petitioners and learned Additional Public Prosecutor for respondent-State. Perused the record

3. The case of the prosecution is that petitioners-accused Nos.1 and 2 have decided to commit murder of *de facto* complainant and accordingly, they have engaged the services of accused Nos.3 to 5 and petitioner-accused No.6. On 18.08.2023, petitioners-accused Nos.1, 6 and accused No.3 followed the *de facto* complainant, chased him and attacked with sticks.

4. Learned counsel appearing for the petitioners would submit that a false case has been filed against the petitioners for the reason of political differences between the parties.

5. On the other hand, learned Additional Public Prosecutor would submit that petitioners-accused Nos.1 and 2 in a pre-planned manner engaged the services of accused Nos.3 to 5 and petitioner-accused No.6 to kill the deceased.

6. As seen from the remand report of accused Nos.3 to 5, the presence of petitioner-accused No.2 is not mentioned when the attack has taken place. For the said reason, the petitioner-accused No.2 can be granted the relief of anticipatory bail and he shall be enlarged on bail in the event of his arrest subject to the following conditions:

i) The petitioner-accused No.2 is directed to surrender before the Station House Officer, Kesamudram Police Station, Mahabubabad District, on 11.09.2023, and on such surrender, he shall be enlarged on bail on his executing personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties to the like sum each, to its satisfaction.

ii) The petitioner-accused No.2 shall appear before the concerned Station House Officer on every Monday between 10.00 AM to 01.00 PM for a period of eight (8) weeks and thereafter as and when required for the purpose of investigation.

iii) The petitioner-accused No.2 shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

7. The prayer for anticipatory bail as far as petitioner Nos.1 and 3-accused Nos.1 and 6 is dismissed.

8. Accordingly, the Criminal Petition is partly allowed.

As a sequel thereto, miscellaneous applications, if any pending, shall stand closed.

Date: 08.09.2023
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K.SURENDER, J