

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.8737 of 2023

ORDER:

1. This Criminal Petition is filed under Section 438 of Cr.P.C. by the petitioner/Accused seeking bail in the event of his arrest in connection with Crime No.370 of 2023 on the file of Bowenpally Police Station, Hyderabad, registered for the offence under Section 332 of IPC.
2. Heard learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent-State and perused the record.
3. This Court by order dated 28.08.2023 directed the Police to follow the procedure prescribed under Section 41-A Cr.P.C. and also to follow the directions of the Hon'ble Supreme Court in ***Arnesh Kumar v. State of Bihar***¹, since the offence was registered under Section 332 of IPC. However, the present application is filed stating that the Police are deliberately altering the Section of law to Section 333 of IPC and intending to arrest the petitioner. It is a case of drunk and drive. In the event of arrest, the petitioner shall be released on bail, subject to the following conditions:

¹ (2014) 8 SCC 273

- 1) The petitioner/Accused is directed to surrender before the Station House Officer, Bowenpally Police Station, Hyderabad, on 19.09.2023. On such surrender, the said Station House Officer shall release the petitioner on bail, on his executing personal bond for a sum of Rs.20,000/- (Rupees Twenty thousand only) with two sureties for a like sum each to his satisfaction.
 - 2) On such release, petitioner/Accused shall appear before the concerned Station House Officer for the purpose of investigation, as and when required.
 - 3) The petitioner/Accused 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. Accordingly, this Criminal Petition is allowed. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

Date : 15.09.2023
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K.SURENDER, J

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Dt.15.09.2023

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