

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.11638 of 2023

ORDER:

1. This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner/accused No.6 in FIR No.187 of 2023, on the file of the P.S., IS Sadan, Santosh Nagar Division, Hyderabad District, registered for the offences punishable under Sections 302, 348, 364-A, 386 and 506 r/w. 34 of IPC.

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

3. The case of the de facto complainant is that his son was abducted by some persons and beaten up for two days. After that, he was sent away and he died. For the said reason, the police registered the crime initially for the 'Kidnap' and thereafter under Section 302 of IPC.

4. Learned counsel for the petitioner would submit that in the Remand Report or Section 161 Cr.P.C statement, the name of this petitioner is not mentioned. The vague

allegation that this petitioner was also one of the seven persons who abducted the deceased will not suffice to prosecute him under Section 302 of IPC.

5. On instructions, the learned Additional Public Prosecutor would submit that though there is no specific mention of the name of this petitioner, it is mentioned that the named persons and some others were responsible for abducting and beating.

6. The implication of this petitioner is on the basis of confession and secondly, the victim had not given either the description or name of this petitioner when he had given statement before the police. Keeping in view that the deceased had not made any specific statement against this petitioner and also for the reason of this petitioner being in jail since 21.09.2023, the prayer for regular bail to accused No.6 is considered, subject to the following conditions:

- i) The petitioner/accused No.6 shall execute personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of the concerned Addl. Chief Metropolitan Magistrate, Hyderabad.

ii) The petitioner/accused No.6 after release shall appear before the concerned Station House Officer on every Monday and Wednesday for a period of four (04) weeks and thereafter, as and when required, for the purpose of investigation.

iii) The petitioner/accused No.6 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

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

Date : 28.11.2023
gvl/pvt

K.SURENDER, J

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Dt.28.11.2023

gvl/pvt