

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

CRIMINAL PETITION No.10864 OF 2022

ORDER:

This Criminal Petition is filed by the petitioner / accused No.3 under Section 438 of the Criminal Procedure Code seeking pre-arrest bail in Crime No.171 of 2022 of Station House Officer, Nawabpet Police Station, Mahaboobnagar District, registered for the offences under Sections 307 read with Section 34 of the Indian Penal Code.

02. Heard Sri Subhash Mukkamalla, learned counsel for the petitioner/accused No.3 as well as Sri T.V. Ramana Rao, learned Additional Public Prosecutor for the Respondent / State and perused the record.

03. According to the prosecution, one Pujitha and son of the de-facto complainant fell in love and they intended to marry, for which the de-facto complainant's son has refused on which the disputes arose between them and the accused No.1 has started dharna in front of house of the de-facto complainant. On 12.12.2021 in the evening time the accused No.1 along with Pujitha and her friends accused No.2 and 3

went to the house of the de-facto complainant and poured kerosene on the son of the de-facto complainant and also attacked with knife. On raising hues and cries, the people came there and the accused ran away. A case has been registered on receipt of complaint given by mother of the victim.

04. Learned counsel for the petitioner has submitted that the petitioner/accused No.3 is innocent and there are no overtacts against the petitioner/accused No.3 and even as per the version of the prosecution the petitioner has accompanied his friend accused No.1 and therefore, sought for pre-arrest bail.

05. Learned Additional Public Prosecutor for the State has submitted that the investigation is not completed and that keeping grudge against the son of the de-facto complainant the petitioner along with other accused went to the de-facto complainant's house and tried to kill the son of the deceased by attacking him.

06. As seen from the record, the accused No.1 was enlarged on bail vide Orders dated 29.06.2022 in

Crl.M.P.No.318 of 2022 in Cr.No.171 of 2021 passed by the learned III Additional Sessions Judge, Mahabubnagar District and the accused No.2 was granted anticipatory bail by this Court vide Orders dated 21.06.2022 in CRL.P.No. 4965 of 2022. There are no overtacts against the petitioner/accused No.3 herein and the petitioner simply followed the accused No.1 along with his friends.

07. Considering the nature of the offence and the injuries received by the injured are abrasions and they are simple in nature and discharged as out-patient, therefore, whether Section 307 of the Indian Penal Code applies to the case of the petitioner or not is required to be seen after filing of charge sheet. Hence the petitioner/accused No.3 is entitled for grant of anticipatory bail.

08. Accordingly, the Criminal Petition is allowed subject to the following conditions:

(i) The petitioner / accused No.3 is directed to surrender before the Station House Officer, Nawabpet Police Station, Mahaboobnagar District, within one week from today, and on such surrender, the petitioner/accused No.3 shall be

enlarged on bail on his executing personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties for a likesum each to the satisfaction of the Station House Officer, Nawabpet Police Station, Mahaboobnagar District.

(ii) The petitioner/accused No.3 shall abide by the other conditions stipulated in Section 438 (2) of the Criminal Procedure Code.

As a sequel, pending Miscellaneous Applications in this matter, if any, shall stand closed.

Date: 10-Jan-2023
KHRM

DR. D.NAGARJUN, J

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