

THE HONOURABLE DR. JUSTICE D.NAGARJUN

CRIMINAL PETITION No.11674 of 2022

O R D E R:

This Criminal Petition is filed by the petitioners No.1 to 5 under Section 438 of Criminal Procedure Code seeking pre-arrest bail in Crime No.350 of 2022 of P.S. Kandukur, Rangareddy District registered for the offences under Sections 448, 427, 435 read with Section 34 of the Indian Penal Code.

02. Heard learned counsel for the petitioners as well as the learned Assistant Public Prosecutor for the State/Respondent and perused the record.

03. It is submitted by the learned counsel for the petitioners that the petitioner No.1 herein has filed a complaint in Crime No.349 of 2022 of P.S. Kandukur dated 22.10.2022 for the offence under Section 376 (2) (n) of the Indian Penal Code and Section 5 read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 against the son of the de-facto complainant in this case i.e.,

Crime No.350 of 2022 and thereby keeping grudge, a false case has been foisted against the petitioners.

04. The offences alleged against the petitioners are under Sections 448, 427, 435 read with Section 34 of the Indian Penal Code, which consists of less than three years imprisonment even if they are proved against the petitioners. As seen from record, notice under Section 41-A of Criminal Procedure Code has not been given so far. Panchanama could have already been conducted. All the petitioners are residents of Rangareddy District and having fixed place of abode. Basing on the offences alleged against the petitioners, custodial investigation is not required.

05. Considering the facts and circumstances of the case, this Court is of the opinion that the petitioners are entitled for grant of pre-arrest bail.

06. Accordingly, this Criminal Petition is allowed and the petitioners Nos.1 to 5 are ordered to be enlarged on bail in the event of their arrest subject to following conditions:

i) The petitioners Nos.1 to 5 are directed to surrender before the Station House Officer, Kandukur Police Station, Rangareddy District within one week from today, and on such surrender, they shall be enlarged on bail on their executing personal bonds for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties likesum each to the satisfaction of the Station House Officer, Kandukur Police Station, Rangareddy District.

ii) The petitioners Nos.1 to 5 shall abide by the other conditions stipulated in Section 438 (2) of the Criminal Procedure Code.

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

Date: 02-Jan-2023
KHRM

DR. D.NAGARJUN, J

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