

THE HONOURABLE DR. JUSTICE D.NAGARJUN

CRIMINAL PETITION No.11959 of 2022

O R D E R:

This Criminal Petition is filed by the petitioner/Accused No.1 under Sections 437 and 439 of the Criminal Procedure Code seeking bail in Crime No.993 of 2022 of Malkajgiri Police Station, Rachakonda District registered for the offences punishable under Section 307 read with Section 34 of the Indian Penal Code.

02. Heard Sri B.Rakesh, learned counsel for the petitioner as well as Sri T.V.Ramana Rao, learned Additional Public Prosecutor for respondent/State.

03. It is submitted by learned counsel for the petitioner/Accused No.1 that petitioner/Accused No.1 has been remanded to judicial custody for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code on 20.10.2022.

04. According to the prosecution version, on 18.10.2022 at about 20:30 hours, a complaint has been filed by Nirugonda Eshwar stating that when *de-facto* complainant

and another were travelling on his bike which has suddenly developed technical problem. On which, he had kept his bike at Upperiguda Track and was going on foot. In the meantime, the de-facto complainant's another friend named Antesh was found on his bike, then the de-facto complainant and his friend were going on the said bike along with him. When they reached near Railway Institute, Prashanth Nagar, the petitioner/Accused No.1 and other three accused by keeping previous enmity in mind, picked up quarrel with the *de-facto* complainant and accused No.2 stated to have thrown chilli powder in the eyes of the *de-facto* complainant, thereafter accused No.1 beaten the *de-facto* complainant with beer bottle on his head and injured his neck, due to which he received blood injury on the head to the left side of his neck.

05. It is submitted by learned counsel for the petitioner/Accused No.1 that petitioner/Accused No.1 is innocent and has been falsely implicated as a counterblast to the case filed against the de-facto complainant and others.

06. It is submitted by learned Additional Public Prosecutor for respondent/State that police have filed

confession statement, seizure panchanama and medical certificate before this Court. Learned Additional Public Prosecutor for respondent/State further submitted that the investigation has been completed and charge sheet has also been filed. The medical certificate enclosed with the charge sheet reveals that the de-facto complainant has received only simple injuries on the left side of his neck and there is no injury on the head as alleged in the complaint.

07. Considering the circumstances, since the investigation has already been completed and since the petitioner/Accused No.1 has been in judicial custody for more than 70 days, this Court is of the opinion that this is a fit case to grant bail to the petitioner/Accused No.1. Therefore, petitioner/Accused No.1 is entitled to be enlarged on bail.

08. Accordingly, the Criminal Petition is allowed and the petitioner/Accused No.1 is ordered to be enlarged on bail subject to the following conditions:

i) The petitioner/Accused No.1 is directed to be released on bail on his executing personal bonds for a sum

of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of Principal Junior Civil Judge – cum – Metropolitan Magistrate, Medchal Malkajgiri District.

ii) The petitioner/Accused No.1 shall abide by the other conditions stipulated in Section 437(3) of the Criminal Procedure Code.

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

DR. D.NAGARJUN, J

Date: 09-Jan-2023
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