

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.113 OF 2024

ORDER:

1. This Criminal Petition is filed under Section 438 of Cr.P.C. by the petitioner/Accused No.5 seeking bail in the event of his arrest in connection with Crime No.1 of 2024 pending on the file of Station House Officer, Nasrullabad Police Station, Kamareddy District, registered for the offences under Sections 302, 341 and 506 read with Section 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 prosecution is that on 01.01.2024, a complaint was filed stating that BRS party activists i.e., accused Nos.1 to 4 had threatened the deceased *viz.*, Sadhula Ramulu and other witnesses to stop playing congress party songs and though the activists warned them, they did not stop playing songs, for which reason, quarrel ensued between them. Accused Nos.1 to 4 allegedly beat the deceased with wine bottle and pushed him to the wall, due to which, he

received grievous injuries and died. As per the complaint, it is stated that this petitioner had provoked accused Nos.1 to 4 over mobile to kill the deceased.

4. As seen from the remand report, the alleged attack on the deceased and others was pursuant to the quarrel in between accused Nos.1 to 4 and others who are present there. In the said circumstances, it cannot be said that this petitioner had instigated accused Nos.1 to 4 with a common intention of causing the death of the deceased. Admittedly, the petitioner was not present in the alleged quarrel when the BRS and Congress party members. Therefore, this Court deems it appropriate to grant the relief of regular bail to the petitioner, subject to following conditions:-

- 1) The petitioner/Accused No.5 is directed to surrender before the Station House Officer, Nasrullabad Police Station, Kamareddy District, on or before 12.01.2024. Upon such surrender, the said Station House Officer shall release the petitioner/Accused No.5 on bail, on his executing personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, for a like sum each to his satisfaction.
- 2) On such release, the petitioner/Accused No.5 shall appear before the concerned Station House Officer

at 10:00 a.m. on every Monday for a period of four weeks and thereafter as and when required, for the purpose of investigation.

- 3) The petitioner/Accused No.5 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.

5. Accordingly, the Criminal Petition is allowed. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

K.SURENDER, J

Date : 08.01.2024
dgr/plp

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Dt.08.01.2024

Dgr/plp