

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.597 of 2024

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. by petitioners/accused Nos.1 to 6, 11, 19, 21 and 22 seeking anticipatory bail in the event of their arrest in connection with F.I.R No.51 of 2023 on the file of the Nirmal Rural Police Station, Nirmal District, registered for the offences punishable under Sections 455, 427, 506 and 114 r/w 34 of the Indian Penal Code (for short 'IPC').

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

3. The de facto complainant filed a written complaint alleging that these petitioners and several others have trespassed into her premises and caused damage to TV, fridge and motor cycle, which were worth of Rs.60,000/- suspecting that her family members were responsible for the death of one person namely Naveen.

4. Learned counsel for the petitioners would submit that deliberately, the police have added Section 455 of IPC to see

that notice under Section 41-A Cr.P.C is not issued since the offence under Section 455 of IPC is punishable up to 10 years.

5. Keeping in view that the alleged incident was outcome of the suicide committed by one Naveen which happened in the village and further as there are no specific overt acts attributed to the petitioners in the complaint, this Court deems it appropriate to grant relief of anticipatory bail to the petitioners, subject to the following conditions:

- 1) The petitioners/accused Nos.1 to 6, 11, 19, 21 and 22 are directed to surrender before the Station House Officer, PS, Nirmal Rural, on or before 29.01.2024. Upon such surrender, the said Station House Officer shall release the petitioners/accused Nos.1 to 6, 11, 19, 21 and 22 on bail, on their executing personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with one surety for a like sum each to his satisfaction.
- 2) On such release, the petitioners/accused Nos.1, 3, 6, 11 and 19 shall appear before the concerned Station House Officer on every Monday at 10am for a period of four (04) weeks and thereafter, as and when required, for the purpose of investigation. However, the petitioners/accused Nos.2, 4, 5, 21 and 22 shall appear before the concerned Station

House Officer as and when required, for the purpose of investigation.

- 3) The petitioners/accused Nos.1 to 6, 11, 19, 21 and 22 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.

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

K.SURENDER, J

Date : 22.01.2024
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Dt.22.01.2024