

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.3331 of 2024

ORDER:

This Criminal Petition is filed by the petitioner/accused No.3 under Sections 437 and 439 of Cr.P.C. for grant of regular bail in Crime No.655 of 2023 on the file of Patancheru Police Station, Sangareddy, registered for the offences punishable under Sections 120(B), 302 and 201 r/w 34 of IPC.

2. The case of the prosecution, in brief, was that on 13.09.2023 at 02.00 hours, the defacto complainant - the father of the deceased, lodged a report stating that on 12.09.2023 at 7:00 AM his elder son by name Mohammed Abdul Nadeem Taher left home on motorcycle bearing No.TS-01 EC 4149 on the plea of having tea and when the defacto complainant tried to contact him at 9:00 PM, he said that he had dinner at Zam Zam Dhaba, Sangareddy. After sometime, when he contacted his son again, his son did not pick up the phone. Later he received a phone call from Patancheru Police from the mobile number of his son who reported that his son was killed by some unknown persons by cutting his throat with a sharp edged weapon at the outskirts of Isnapur Village beside NH-65 road. On that

information, the defacto complainant went to the spot, identified the body of his son and lodged a report. Basing on the said report the above crime was registered under Section 302 of IPC. Accused Nos.1, 2 and 4 were arrested on 20.09.2023. Petitioner/accused No.3 was arrested on 20.01.2024.

3. Heard the learned counsel for petitioner/accused No.3 and the learned Additional Public Prosecutor representing the respondent-State.

4. Learned counsel for the petitioner/accused No.3 submitted that as per the remand case diary of the petitioner/accused No.3, no specific overtacts were attributed to the petitioner except making some vague and bald allegations. The petitioner was implicated on the basis of confession of the other accused persons and nothing was recovered from the possession of the petitioner, even the confession of the petitioner was also not recorded by the Investigating Officer. The entire investigation was completed. He further submitted that accused Nos.1, 2 and 4 were released on bail on 15.12.2023 and prayed to grant bail to the petitioner/accused No.3.

5. Learned Additional Public Prosecutor opposed grant of bail to the petitioner/accused No.3 stating that the petitioner took part in conspiracy made by accused Nos.1, 2 and 4 to eliminate the deceased. The petitioner/accused No.3 was the maternal uncle of accused No.1 and he was earlier involved in a murder case in the year 2019.

6. Perused the record.

7. Considering that the remand report of the petitioner/accused No.3 would not disclose his involvement in the commission of murder of the deceased and the overtacts attributed were only against accused Nos.1 and 2 and the confession of accused No.3 was not even recorded by the police and there is no recovery at his instance and as he was an aged person of 59 years and was in custody since 20.01.2024 and as the main accused i.e., accused Nos.1 and 2 were also released on bail, it is considered fit to enlarge the petitioner/accused No.3 on bail with certain conditions.

8. Accordingly, the Criminal Petition is allowed and the petitioner/accused No.3 shall be released on bail subject to the following conditions:

- 1) The petitioner/accused No.3 shall execute a personal bond for a sum of Rs.20,000/- (Rupees

Twenty Thousand only) with two sureties for a like sum each to the satisfaction of the Judicial First Class Magistrate (Prohibition and Excise) Sangareddy.

- 2) The petitioner/accused No.3 shall abide by the conditions stipulated under Section 437(3) of Cr.P.C and shall appear before the Court as and when the case was posted.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 27.03.2024
vsl

Dr. G. RADHA RANI, J

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