

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3449 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner – Accused under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”), to release him on regular bail in Crime No.44 of 2024 on the file of Golconda Police Station, Hyderabad District registered for the offence punishable under Section 307 of Indian Penal Code, 1860 (for short, ‘IPC’).

2. The case of the prosecution in brief was that the complainant and accused were residents of same locality and two weeks prior to the date of the incident, the *de facto* complainant took an amount of Rs.2,000/- from the accused towards hand loan with a promise that he would return the same within two days but he failed to return the said amount and when the accused demanded, he replied recklessly. Later, the accused went to Mumbai and after 10 days returned back to Hyderabad from Mumbai. The accused was carrying a knife along with him to threaten the complainant if he failed to return the money and behaves arrogantly to inflict injuries to him. On

08.02.2024 around 23:00 hrs, the accused went to Saleem's tea Hotel, as the *de facto* complainant would go to the said hotel for having tea or pan or Gutka and waiting for him by standing opposite to the said hotel. When the accused noticed the *de facto* complainant coming towards the said hotel, the accused called the complainant and asked him for his money. When the complainant had not given proper reply then the accused beat him with his hand on his face. After some time, the complainant again came along with LW.2 and both of them questioned the accused as to why he beat the complainant. Then the accused again demanded the complainant for return of his amount and when the complainant refused to return the amount, the accused took the knife and tried to stab the complainant in his stomach. The complainant tried to escape and in that process sustained a injury on his left cheek. On the hue and cries raised by the complainant, the accused ran away. Basing on the report lodged by the complainant, the above crime was registered against accused for the offence punishable under Section 307 of IPC.

4. Heard Sri Vinod Kumar Deshpande, learned Senior Counsel representing on behalf of Sri Yadu Krishna Sainath, learned

counsel for the petitioner on record and the learned Additional Public Prosecutor for the respondent-State.

5. Learned Senior counsel for the petitioner/accused submitted that the petitioner was in custody for the past 52 days, he was having no criminal antecedents nor involved in any criminal cases earlier. He had no intention to kill the complainant, the injury sustained by the complainant was simple in nature. He was treated as out-patient and prayed to enlarge the petitioner on bail.

6. Learned Additional Public Prosecutor opposed grant of bail to the petitioner/accused but admitted that the victim was discharged from the Hospital on the same day and only a minor injury was sustained by him.

7. Perused the record.

8. Considering that as per the complaint also, the petitioner sustained only an injury on his left cheek and he was treated as an out-patient in the hospital and as per the wound certificate there was a laceration on left cheek with no active bleeding and there were no other major injuries noted and the injury was opined to be simple by

the Medical Officer and as the petitioner was stated to be arrested on the same night of the incident and said to be in custody for the past 52 days and no criminal antecedents were reported against him, it is considered fit to enlarge the petitioner on bail.

9. Accordingly, the Criminal Petition is allowed directing the petitioner/accused to be released on regular bail subject to the following conditions:

- i) The petitioner/Accused shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties for a like sum each to the satisfaction of the learned Metropolitan Sessions Judge, Hyderabad but however, if any incidents were reported against him during the pendency of the trial, the bail is liable to be cancelled.
- ii) The petitioner/Accused shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Dr. G.RADHA RANI, J

Date:01.04.2024
dgr/dsv