

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.3941 of 2024

ORDER:

This Criminal Petition is filed by the petitioner – A1 under Sections 437 and 439 of Code of Criminal Procedure for grant of regular bail in Crime No.146 of 2024 on the file of PS Attapur, Cyberabad Commissionerate, registered for the offences punishable under Sections 448, 307, 427, read with Section 34 of IPC.

2. The case of the prosecution in brief was that on 03.03.2024 at about 00:50 hours, the accused persons went to Pista House Mandi Restaurant at Pillar No.169, Upperpally, Attapur in an auto and bike. When one of them tried to enter into the restaurant, the hotel security guard informed him that the hotel was closed and there was no food. But without listening to him, he argued with the security guard, slapped him and trespassed into the hotel illegally. When the Manager informed him that time was running out and there was no food, he did not listen to him, abused in filthy language and punched fists on him and also called his friends. They all stated that they were local rowdy sheeters and how could they refuse food to them and that they would kill him, pushed him inside the restaurant and threw polish stoned chairs on him and on the hotel staff

and tried to kill them. They also threw chairs on the customers, who were taking food in the restaurant and beat them. In the said incident, one Deepak Sairam sustained injuries on neck, abdomen and other parts of the body.

3. Basing on the report lodged by the Manager of the said restaurant, the above crime was registered. A1, A2 and A6 were arrested on 04.03.2024. A3, A4 and A5 were remanded to judicial custody on 05.03.2024.

4. Heard the learned counsel for the petitioner – A1 and the learned Assistant Public Prosecutor.

5. Learned counsel for the petitioner submitted that there was delay of seven hours in lodging the report. The incident occurred on 03.03.2024 at 00:50 hours, but the report was lodged at 07:00 AM on 03.03.2024. Meanwhile, a video went viral. In the contents of the FIR and the statement of the complainant, the name of the petitioner was not shown. There were contradictory versions in the two remand case diaries filed by the police. The entire investigation was completed. The petitioner was in custody for the past 36 days and prayed to enlarge the petitioner on bail.

6. Learned Assistant Public Prosecutor reported that two victims by name Md.Zaved and Deepak Sairam sustained injuries. But, the injuries sustained by both of them were simple in nature.

7. Perused the record.

8. Considering that to attract the offence under Section 307 of IPC, the intention of the accused can be ascertained from the injury sustained by the victim, the nature of the weapon used and the severity of blows inflicted to infer the intention and as there is no previous enmity between the victims and the accused and the facts and circumstances of the case would only disclose that the incident occurred in the spur of the moment and the petitioner was not holding any weapon and as the victims also were reported to have sustained simple injuries and it appears to be a case of causing simple hurt attracting the offence under Section 324 of IPC and as the petitioner was taken into custody on 04.03.2024 and was in jail for the past 36 days and no criminal antecedents were reported against the petitioner herein, it is considered fit to enlarge the petitioner on bail.

9. In the result, the Criminal Petition is allowed and the petitioner – A1 is directed to be released on bail on his executing 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 XI Additional Metropolitan Magistrate, Cyberabad at Rajendranagar, Rangareddy District. The petitioner shall comply with the conditions laid down under Section 437(3) of Cr.P.C.

As a sequel, miscellaneous applications pending in this petition, if any shall stand closed.

Dr. G.RADHA RANI, J

**Date: 10th April, 2024
Nsk.**