

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.5823 OF 2024

ORDER:

1. This Criminal Petition is filed under Section 438 of Cr.P.C by the petitioner seeking anticipatory bail.
2. The petitioner is accused No.6 in Crime No.64 of 2024 on the file of Mohammadabad Police Station, Mahabubnagar District, within the territorial jurisdiction of the Special Judicial First Class Magistrate-cum-Mobile Court at Mahabubnagar, for the offences under Sections 458, 435, 143 r/w 149 of Indian Penal Code.
2. I have heard Sri Mahesh Kosgi, learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State.
3. The case of the prosecution in brief is that one Ramanjaneyulu who used to work with the husband of de facto complainant in bore well business, had

committed suicide by consuming pesticide. Thereupon, the petitioner/accused No.6 along with other accused brought the dead body to the front yard of the de facto complainant's house and illegally trespassed into the house by breaking the latches and damaged the doors and furniture.

4. Learned counsel for the petitioner would submit that there is no specific allegation against the petitioner. The petitioner was roped in the offence on hearsay material. Further, this case has been foisted by the de facto complainant to counterblast another crime registered by the accused in the present crime against the husband of de facto complainant. Further, there is no specific overt act has been averred against the petitioner in the offence. The other accused/A2 to A4 were granted regular bail and A1 has been granted anticipatory bail. However, as the petitioner is apprehending arrest by the police, prayed for grant of anticipatory bail and that the petitioner is ready to

furnish sufficient sureties and cooperate with the investigation and judicial process.

5. Learned Additional Public Prosecutor opposed bail application and pleaded that the investigation is pending. Further, the name of the petitioner is clear even in the first information statement.

6. I have perused the materials placed on record.

7. Having regard to the facts and circumstances of the case that presence of the petitioner has been attributed only basing on the information collected by the de facto complainant and so far prosecution has not made out any specific case against the petitioner and the other accused who are in similar footing were granted bail, this Court is inclined to positively consider the prayer for the anticipatory bail.

8. Accordingly, the present Criminal Petition is allowed on the following conditions:

- 1) The petitioner/accused No.6 is directed to surrender before the Station House Officer, PS, Mohammadabad, Mahabubnagar District, on or before 20.06.2024. Upon such surrender, the said Station House Officer shall release the petitioner on bail, on his executing a self-bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to his satisfaction.
- 2) The petitioner shall make himself available for interrogation as and when they required by the police till filing of charge sheet.
- 3) The petitioner 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.
- 4) In case the petitioner commit breach of any of the conditions, the bail is liable to be cancelled at the instance of the prosecution.

9. Accordingly, this Criminal Petition is allowed.
Miscellaneous applications, pending if any, shall stand closed.

Date: 10.06.2024
gvl

N.TUKARAMJI, J

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Dt.10.06.2024