

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.6187 OF 2024

ORDER:

This Criminal Petition is filed under Sections 438 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C') seeking anticipatory bail.

2. The petitioner is accused No.8 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.

3. I have heard Sri Mahesh Kosgi, learned counsel for the petitioner and Sri Khaja Vizarath Ali, learned Assistant Public Prosecutor for the respondent-State.

4. 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.8 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. Thus, committed the offence under Sections 458, 435, 143 read with Section 149 of the Indian Penal Code, 1860 (for short 'IPC')

5. 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* averred against the petitioner in the offence. The other accused i.e., accused Nos.2 to 4 were granted regular bail and accused Nos.1 and 6 have 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.

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

7. I have perused the materials placed on record.

8. 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.

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

- (1) The petitioner/accused No.8 is directed to surrender before the Station House Officer, Mohammadabad Police Station, Mahabubnagar District, on or before 04.07.2024. 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 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.

Miscellaneous applications, pending if any, shall stand closed.

Date: 24.06.2024
TMK

N.TUKARAMJI, J