THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.6204 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 petitioners are accused Nos.1 to 5 in Crime No.275 of 2023 on the file of Mahabubabad Rural Police Station, Mahabubabad District, within the territorial jurisdiction of the Principal District and Sessions Judge, Mahabubabad.

3. I have heard Sri S.Goutham, learned counsel for the petitioners and Sri Khaja Vizarath Ali, learned Assistant Public Prosecutor for the respondent-State.

4. The allegations against the petitioners in brief are that, in the backdrop of dispute as to payments for attending the party meeting, the deceased said to have assaulted petitioner No.1 and later when this matter was placed before elders, as the deceased did not turn up, the petitioners went to the house of the deceased, beat him with stick and hands.

Therefore, feeling insulted the deceased consumed herbicide poison and committed suicide. Thus, the petitioners have committed offence under Sections 290, 306, 323, 324, 448, 143 read with Section 149 of IPC.

5. Learned counsel for the petitioners submits that the petitioners are innocent and they are no way involved in the offence but this false case has been foisted. Further, pleaded that even if the accusations are taken on its face value, neither the essentials of abatement nor any offence within the scope of Section 306 IPC are being made out. However, the petitioners are ready to cooperate with the investigation and judicial process but as the petitioners are apprehending arrest, prayed for grant of anticipatory bail.

6. Learned Assistant Public Prosecutor opposed bail application. However, submits that there are allegations against the petitioners and the investigation is still pending.

7. I have perused the material placed on record.

8. Having regard to the alleged nature of offence and the depth of allegations, this Court is of the considered view that

the prayer of the petitioners for anticipatory bail can be positively considered.

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

(1) The petitioner/accused Nos.1 to 5 are directed to surrender before the Station House Officer, Mahabubabad Rural Police Station, Mahabubabad District, on or before 04.07.2024. Upon such surrender, the said Station House Officer shall release the petitioners on bail, on each of their executing a self-bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum, to the satisfaction of the Station House Officer, Mahabubabad Rural Police Station, Mahabubabad District.

(2) The petitioners shall make themselves available for interrogation as and when required by the police till filing of charge sheet.

(3) The petitioners 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 petitioners 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.

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N.TUKARAMJI, J

Date: 24.06.2024
TMK