

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.6787 OF 2024

ORDER:

1. This Criminal Petition is filed under Section 438 of Cr.P.C seeking anticipatory bail.
2. The petitioner is accused No.9 in Crime No.126 of 2024, on the file of the Garidepally Police Station, within the territorial jurisdiction of the Judicial Magistrate of First Class at Huzurnagar.
3. I have heard Sri Ponnam Ashok Goud, learned counsel for the petitioner and Sri Khaja A. Vizarath Ali, learned Assistant Public Prosecutor for the respondent-State.
4. The case of the prosecution in brief is that, on 05.06.2024 in the backdrop of dispute as to parking of auto in front of the *de facto* complainant's house. The accused said to have attacked the victim with rod, sticks

and knife with an intention to kill him. The accused No.1 referred the name of Venkat, as such, the role of the petitioner came to light. Thus, the petitioner committed offences punishable under Sections 448, 307, 120-B r/w 34 of Indian Penal Code.

5. Learned counsel for the petitioner would submit that the petitioner is innocent and no way involved in the offence, but has been falsely implicated in the case. That apart, neither in the police report nor any other material of the prosecution in indicating any overt act of the petitioner in occurrence. In absence of specific and as the petitioner is ready to assist the investigation, abide by any condition that may be imposed and as he is apprehending arrest, prayed for grant of anticipatory bail.

6. Learned Assistant Public Prosecutor opposed bail application and submits that in the remand case diary of accused No.1, the petitioner was accused No.9, but,

subsequently he has been arrayed as accused No.7 and as per accused No.1 he was also present and acted in concert with the other accused. However, fairly submits that there is no other material on record.

7. I have considered the submissions of learned counsel and perused the materials placed on record.

8. Having regard to the facts that the petitioner's name is not referred in the police report and except for the statement of accused No.1 no material has been shown pointing petitioners presence or involvement, keeping open the merits to be considered at appropriate stage by the trial Court, this Court is of the considered view the prayer of the petitioner for grant of bail can be accepted.

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

- 1) The petitioner/accused No.9 is directed to surrender before the Station House Officer,

PS, Garidepally, on or before 10.07.2024.

Upon such surrender, the Station House Officer shall release the petitioner on bail, on 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 and the judicial process as and when required, except for leave of the Court.
- 3) The petitioner shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C and shall co-operate with the investigation.
- 4) In case the petitioner commit breach of any of the above conditions, the bail is liable to be cancelled at the instance of the prosecution.

Miscellaneous applications, pending if any, shall stand closed.

N.TUKARAMJI, J

Date: 03.07.2024

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Dt.03.07.2024

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