

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.6896 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.1 in Crime No.37 of 2024 on the file of the PS; Chandampet, Nalgonda District, within the territorial jurisdiction of the Prl. Judicial First Class Magistrate at Devarakonda.
3. I have heard Sri Naraparaju Avaneesh, learned counsel for the petitioner and Sri Khaja A. Vizarath Ali, learned Assistant Public Prosecutor for the respondent-State.
4. The case of prosecution in brief is that in the backdrop of money transactions, on 07.03.2024, the petitioner and another/accused No.2 said to have called the complainant over phone and informed their readiness to repay the pronote dues with interest and

they would be waiting at Polepally Village gate. Thereupon, the complainant along with two others went there, however, instead of the petitioner and another/accused No.2, the others/accused Nos.3 to 5 came there and asked the complainant to show the pronote executed by the petitioner/accused No.1. On showing the photo copies, they tore away and beat the complainant with hands all over the body and later, when the accused Nos.3 to 5 went to pick up sticks and axes from their vehicle, the complainant and others managed to escape. Thus, the petitioner committed offences under Sections 420, 307, 147, 148, 323, 341, 504, 506 r/w 34, 109 of the Indian Penal Code, 1860.

5. Learned counsel for the petitioner would submit that the petitioner has been falsely implicated in the case due to the differences in the money transactions. Further, the private complaint lodged by the complainant is clearly making out that at the time of incident, the petitioner/accused No.1 was not there. The

allegations of beating the complainant and others is not supported by any particular much less material. That apart, there is a delay of almost month in lodging the private complaint and no reason assigned as to why immediate police report has not been lodged. The petitioner is Doctor in Government service and he is ready to assist the investigation and abide by any conditions that may be imposed, but, as he is apprehending arrest, prayed for grant of anticipatory bail.

6. Learned Assistant Public Prosecutor would submit that as per the private complaint, the petitioner's presence is not there and the medical reports are yet to be collected and the investigation is still pending.

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

8. The allegation against the petitioner is that at his instance, the incident had occurred. Having regard to

the fact that particulars are missing and the depth of allegations and no issue has been raised by the prosecution as to securing the presence of the petitioner for the judicial process, this Court finds that the prayer of the petitioner for grant of anticipatory bail is acceptable.

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

- 1) The petitioner/accused No.1 is directed to surrender before the Station House Officer, PS; Chandampet, Nalgonda District, on or before 14.07.2024. 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 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 commits 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: 04.07.2024
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N.TUKARAMJI, J

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Dt.04.07.2024

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