

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.6933 of 2024

ORDER:

1. This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”) seeking regular bail.

2. The petitioner is accused No.9 in Crime No.273 of 2024 of P.S; Mahabubnagar Rural, Mahabubnagar District, within the territorial jurisdiction of the IV Additional Judicial Magistrate of First Class at Mahabubnagar.

3. I have heard Sri K. Venumadhav, learned counsel for the petitioner and Sri Khaja A. Vizarith Ali, learned Assistant Public Prosecutor for the respondent-State.

4. The case of the prosecution in brief is that on 25.04.2024, the victim along with others went to the wine shop and there, an altercation occurred and in consequence, the petitioner along with the other

accused dragged the victim into the wine shop and beat him indiscriminately which subsequently resulted in his death. Thus, the petitioner committed offences punishable under Sections 342, 302, 323 r/w 34 of the Indian Penal Code, 1860.

5. Learned counsel for the petitioner would submit that the petitioner is partner of the wine shop but no way involved in the offence. However, the prosecution has roped him on the confessional statements of the other accused. Even as per that material, no specific overt act is attributed against the petitioner. The petitioner is in custody since 18.05.2024 and the prosecution has completed material part of investigation and his further custody is not required for any purpose. Additionally, there is unexplained long delay in filing the First Information Report. Nonetheless, the petitioner is ready to cooperate with the investigation and abide by any conditions that may be imposed. Hence, prayed for grant of bail.

6. Learned Assistant Public Prosecutor opposed bail application, however, submits that the role of the petitioner came to light on the confessional statements of other accused and in investigation, six (06) witnesses were examined and remaining investigation is pending.

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

8. The prosecution case is that the petitioner is had committed offence along with the other accused and his involvement is attributed basing on the confessional statements. However having regard to the facts that the material part of investigation is completed and the remand period undergone by the petitioner, the prayer of the petitioner for grant of bail is found acceptable.

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

- i) The petitioner/accused No.9 shall be released on bail, subject to his executing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of the IV Additional Judicial Magistrate of First Class at Mahabubnagar.
- ii) The petitioner shall communicate his residential address and contact numbers to the concerned Court and also Station House Officer in an affidavit and changes if any from time to time in an affidavit, till conclusion of the case.
- iii) The petitioner shall make himself available for interrogation and the judicial process as and when required, except for leave of the Court.
- iv) The petitioner shall not influence or intimidate any witnesses or tamper with the evidence of the prosecution.

- v) The petitioner shall not indulge in any illegal activity.
- vi) In case the petitioner commits breach of any of the above conditions, the bail is liable to be cancelled at the instance of the prosecution.

As a sequel, miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

N. TUKARAMJI, J

Date: 03.07.2024

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