

THE HON'BLE Ms. JUSTICE B. S. BHANUMATHI

CRIMINAL PETITION No.743 of 2023

ORDER:

This petition is filed under Section 438 of Cr.P.C., to grant anticipatory bail to the petitioners/accused Nos.13, 14, 16, 17 & 18 in Cr.No.410 of 2022 of Dargamitta Police Station, S.P.S.R. Nellore District, registered for the offences punishable under Sections 143, 147, 148, 307 read with Section 149 of Indian Penal Code.

2. The brief case of the prosecution is that, in view of earlier enmity between the defacto complainant and accused No.1, there was an altercation between them on 04.12.2022 and in pursuance of the same, accused No.1 hatched a plan along with other accused to attack the de-facto complainant and asked him to come to Barashaheed Darga and attacked him with sticks and a knife leaving bleeding injuries to the de facto complainant and that the de facto complainant saved his life by escaping from the accused. Hence, this complaint.

3. The allegation against the petitioners/accused Nos. 13, 14, 16, 17 & 18 is that they accompanied with the main culprits, particularly accused No.1 and with some others armed with sticks came on motor cycles attacked defacto complainant.

4. In this backdrop of this case, the learned counsel for the petitioner submitted that the petitioners/accused Nos. 13, 14, 16, 17

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& 18 have been maliciously implicated in this case, though they have not committed any offence, and their names are not found in the First Information Report, but merely based on the weak piece of evidence of the alleged confession of co-accused.

5. Sri. K. Anand Kumar, learned Assistant Public Prosecutor, submitted that all the names of the accused were not registered on same day, but during the course of further investigation, the names of the accused were revealed. He further stated that since the offence under Section 307 of Indian Penal Code is grave in nature, it is not a fit case to grant anticipatory bail to the petitioners/accused Nos. 13, 14, 16, 17 & 18.

6. As submissions made by the learned counsel for the petitioners, Since, there is no other material as against the petitioners herein, except the allegation based on the confession of co-accused, it is a fit case to grant anticipatory bail, however, subject to certain conditions.

7. In the result, this petition is allowed. In the event of the arrest of the petitioners/accused Nos. 13, 14, 16, 17 & 18 in Crime No. 410 of 2022 of Dargamitta Police Station, S.P.S.R. Nellore District, they shall be enlarged on bail on their furnishing personal bond for Rs.25,000/- each (Rupees Twenty Five thousand only) with two

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sureties each for the like amount each, to the satisfaction of Station House Officer, Dargamitta Police Station, S.P.S.R. Nellore District, subject to the following conditions:

(i) The Petitioners/Accused Nos. 13, 14, 16, 17 & 18 shall cooperate with the investigation and they shall make themselves available for interrogation by a police officer as and when required, and they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(ii) The Petitioners/Accused Nos. 13, 14, 16, 17 & 18 shall appear before the Station House Officer Dargamitta Police Station, on every Monday between 10.00 AM to 5.00 PM, until further orders or till filing of charge sheet whichever is earlier.

Miscellaneous Applications, if any pending, also stand closed.

(B. S. BHANUMATHI, J)

Dt. 08.02.2023.

MSI/PMK

THE HON'BLE Ms. JUSTICE B. S. BHANUMATHI

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Dated : 08.02.2023.

MSI/PMK