

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.10572 of 2015

ORDER :

This Criminal Petition is filed under Sections 437 and 439 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') by the petitioners/A.1 to A.4 to enlarge them on bail in connection with Crime No.181 of 2015 of Mulug Police Station, Warangal District, registered for the offences punishable under Sections 302, 324 and 290 read with 34 IPC and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The case of the prosecution is that the tractor and bullock carts belonging to the petitioners were proceeding through the land, which is situated in front of the house of the *de facto* complainant, due to which, the road was damaged and became muddy and as a result of which, the *de facto* complainant and her family members are suffering from ill health. On 15.08.2015 during night between 7.00 and 8.00 p.m. while the tractor of petitioners was proceeding on the road in front of house of the *de facto* complainant, she questioned them for passing the tractor, despite objection and on that the petitioners abused her and her sons in filthy language and on that she questioned them as to why they were abusing them, thereupon the petitioners grew wild and beat the sons of the *de facto* complainant with sticks and stones indiscriminately, as a result of which, one of her sons sustained severe head injury and other injuries. Immediately, he was shifted to MGM Hospital, Warangal, for treatment and while undergoing treatment he succumbed to the injuries and the other injured persons were already discharged from the hospital.

3. The learned counsel for the petitioners contended that there was earlier dispute between the deceased and petitioner No.1 due to harassment of the wife of petitioner No.1 and a complaint was lodged against him, which was registered as a case in Crime No.180 of 2015

of Mulug Police Station. The present incident took place accidentally thus, in a way the petitioners admitted about the involvement. However, it is contended that it is an accident and that apart a previous enmity and registration of Crime No.180 of 2015 may be one of the causes for the present incident. Therefore, I find no prima facie material to conclude that the petitioners are nothing to do with the offences.

4. The learned Public Prosecutor contended that the investigation is still going on and in case the petitioners are enlarged on bail, there is every possibility of interfering with the further investigation.

5. The petitioners also filed CrI.M.P.No.723 of 2015 before the Special Sessions Judge for SC/ST (POA) Act Cases-cum-VIII Additional Sessions Judge, Warangal, which ended in dismissal by order dated 22.09.2015 and thereafter there are no changed circumstances except examining few witnesses and in the absence of any changed circumstances, it is difficult for me to enlarge the petitioners on bail.

6. Hence, the criminal petition is dismissed.

M. SATYANARAYANA MURTHY, J

19th October 2015.

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