

**THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR**

**CRIMINAL PETITION No.12067 of 2016**

**ORDER:**

The petitioners, who are A-5 to A-7, in Crime No. 96 of 2016 of Nagarjunasagar Police Station, Guntur District, preferred the present application under Section 438 Cr.P.C., seeking release in the event of their arrest in the above crime registered for the offence punishable under Sections 307, 452, 324 read with 34 IPC.

2. The case of prosecution is as under :

The informant by name Pandla Srinu and the accused are relatives. Property disputes cropped up between them, as such they were not on talking terms. On 22.06.2016 at about 7.00 p.m., while the informant was returning from toddy tree and when reached his field, he found his paternal uncle (A-1) and his three sons viz., A-2, A-3 and A-4 removing the field bund of his land by using a proclainer. When the informant questioned A-1 as to why he is removing field bund, he is alleged to have replied ferociously. Thereafter they abused the informant and kicked him legs and also beat him with hands. When he called his mother over phone, the accused are alleged to have snatched away the mobile from his hands and thereafter attacked him with toddy sickles and hacked with a knife on his head. As a result of which, the informant received bleeding injury and fell down on the ground. Meanwhile, the father of the informant by name Narayana and his elder brother Satyanarayana along with two others came there and rescued him from their clutches. On receipt of the information, his mother started coming towards the field and on the way, A-1 and his three sons beat his mother with iron rods on her head and jaw. While the informant was accompanying his mother for treatment, the petitioners are alleged to have trespassed into the house of the informant armed with sticks and attacked on his wife and sister-in-law who were present in the house and caused bleeding injuries. After he joined in the

Hospital, his wife and sister-in-law also came to Hospital with bleeding injuries. They were examined by the Doctors as they were suffering with bleeding injuries. Basing on these allegations, the above crime came to be registered.

3. Learned counsel for the petitioners mainly submits that the allegations made against the petitioners are all false and invented for the purpose of this case. It is his case that if really the incident took place as alleged on that day, nothing prevented the police to record the statement of the informant on the same day. On the other hand, it is his case that the present case came to be registered two days after the alleged date of incident. According to him, though Nagarjunasagar Police Station is at a distance of 2 to 3 Kms from the scene of offence, the informant failed to give report immediately, but got himself admitted in a Government General Hospital at Guntur which is at a far away place and thereafter lodged a report with delay. According to him, no reasons are forthcoming as to why injured got himself admitted in the Government General Hospital, Guntur when the same medical facilities are available at Nagarjunasagar and Macherla which are nearer to the village. Apart from that he also submits that A-2 in the present crime also lodged a report against the prosecution party, which came to be registered as Crime No.95 of 2016 of Nagarjunasagar Police Station. Since it is a case and counter he pleads that truth or otherwise of the allegations made have to be established during trial.

4. Learned Additional Public Prosecutor strongly opposed the application contending that the statements of the witnesses amply establish that all of them received injuries in the hands of the accused. Immediately, thereafter they were taken to Hospital for treatment. In view of the report given by A-2 the fact of the petitioners being present at the scene of offence stands established.

5. A perusal of the Case Diary shows that admittedly there were

disputes between both the parties. On the date of incident i.e., on 22.06.2016 at about 7.00 p.m., A-1 to A-4 are alleged to have attacked the informant causing bleeding injury. While his mother, who was on the way to see him, was also attacked causing bleeding injuries. The statement of L.W.1 would show that while he was taking his mother to the Hospital, the petitioners are alleged to have entered into his house and caused injuries to his wife and sister-in-law, who were also brought to the Hospital for treatment. In respect of the above incident the report was lodged on 24.06.2015 at 5.15 p.m. On the other hand, the accused herein lodged a report alleging that on the same day at the same time, A-1 along with others got injured in the hands of the prosecution party herein, which is subject matter of Crime No.95 of 2016 of Nagarjunasagar Police Station. The report in respect of the said incident was given on 24.06.2016 at 8.00 a.m., much prior to the lodging of the present report. Therefore, from the above, it appears that on 22.06.2016 at 7.00 p.m., there was a clash between both the groups in which either parties received injuries. Insofar as the petitioners are concerned they are all alleged to have entered into the house of the informant in Crime No.96 of 2016 and caused injuries. The statements of the wife and sister-in-law of the informant gets corroborated with the statements of other witnesses. However, it is a case and counter and as the petitioners are women, the petitioners if so advised shall surrender before the concerned court and move an application seeking regular bail after giving prior notice to the Public Prosecutor in which event the same shall be considered on the same day on such terms, which the Court deems fit and proper.

6. With the above direction, the criminal petition is disposed of.

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**JUSTICE C. PRAVEEN KUMAR**

Dt:24.08.2016

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