

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.4562 OF 2018

ORDER:

This Criminal Petition, under Section 438 of Cr.P.C., is filed by the petitioner, who is arrayed as accused No.2 in Crime No.184 of 2017, on the file of Huzurabad Police Station, Karimnagar District, apprehending his arrest in connection with the above Crime, registered for the offences punishable under Sections 307 R/w.34 of I.P.C.

2. Heard, the learned counsel for the petitioner, learned Public Prosecutor appearing for the respondent-State, and perused the record.

3. The case of the petitioner, in brief, is that the de-facto complainant (L.W.1) is the son of L.W.2; accused No.2 is son of accused No.1; L.W.2 and A-1 are own brothers, residents of Bothalapalli, H/o.Jupaka Village, Huzurabad Mandal of Karimnagar District, eking out their livelihood by doing agriculture, having one acre of agricultural land each, side by side but had common well using its water to their agricultural fields with the help of one electric motor. During the relevant time, the damaged electric motor was got repaired by L.W.2, by incurring total expenditure, and replaced the iron pipe with plastic pipe and kept the said damaged electric pipe in front of his house on 15.07.2017; on 16.07.2017, accused No.1 took the damaged electric pipe and kept it in front of his house; again L.W.1 took the damaged electric pipe and kept it in front of his house. Keeping the previous enmity in between L.W.1 and accused No.1, with regard to pathway dispute in mind, accused Nos.1 and 2 armed with stick and axe went to the house of the de-facto complainant and accused No.1 caused injuries with stick and accused No.2 caused injuries with an axe. The injuries attributed to L.W.2 are lacerated wound 5 x 6 C.M., injury on

the scalp, injury on the clavicle, injury on left mid clavicle, injury on left 4th metacarpal, skull – no bony injury. As per the wound certificate, injury on the left scalp is simple and injury on left clavicle is grievous in nature. The injuries attributed to L.W.1 are lacerated wound 2 x 3 C.M. and injury on left scalp; as per the wound certificate, injury on left scalp is grievous injury. Therefore, the injuries suffered by L.Ws.1 and 2 are grievous in nature.

4. Learned Additional Public Prosecutor appearing for the respondent-State fairly conceded that entire investigation is completed and charge sheet is also filed against this petitioner but the petitioner/accused No.2 has been shown as absconding.

5. The petitioner and injured are none other than cousin and paternal uncle and are closely related by blood. The entire incident had happened due to trivial matter *i.e.*, failure of accused No.1 to share the expenses incurred by L.W.2 for replacing the damaged iron pipe of electric motor for drawing water from the common well in the backside of the house of the petitioners.

6. In view of the facts and circumstances including completion of the investigation and the petitioner has been absconding since long time, it would be appropriate to direct the petitioner to surrender before the Court concerned and obtain regular bail. Moreover, the earlier bail application filed by the petitioner in CrI.M.P. No.1400 of 2017 on the file of Judge, Family Court-cum-Additional Sessions Judge, Karimnagar (for short, 'the Court below'), was dismissed on 10.11.2017. Hence, the petitioner/accused No.2 is directed to surrender before the I Additional Judicial First Class Magistrate, Huzurabad, and on such surrender, if any application is filed by him, under Sections 437 and 439 of Cr.P.C., the

learned Presiding Officer of Court is directed to dispose of the same, after serving notice on the Public Prosecutor, in accordance with law.

7. Accordingly, with the above observation, the Criminal Petition is disposed of.

8. In consequence, miscellaneous petitions, if any, pending in this Petition shall stand closed.

M.SATYANARAYANA MURTHY, J

Date: 25.04.2018.
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HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

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CRIMINAL PETITION No. 4562 OF 2018

Date. 25.04.2018

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