

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.822 of 2022

ORDER

This petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking pre-arrest bail to the petitioners/A.1 and A2 in the event of their arrest in connection with Crime No.180 of 2021 of Kalur Thimmandoddi Police Station, Jogulamba Gadwal District, registered for the offences punishable under Sections 324, 504, 506 read with 34 IPC, later altered from Section 324 IPC to Section 326 IPC.

2. The case of prosecution is that the de-facto complainant, who was admitted in the hospital, gave statement to the police that on 17.12.2021 at 8.00 hours, he along with one Raju went to the agricultural field and at about 8.30 hours, A1 came there, abused him in filthy language in the name of his caste, and beat him with stick on his right leg, knee and left hand fingers and A2 also came there, abused him and beat him with stick on his left leg and back side, due to which, he sustained injuries, then his younger brother came there, rescued him and shifted him to Raichur Hospital for treatment.

3. Learned Counsel for the petitioner Mr.Mirza Nisar Ahmed Baig, submits that the petitioners are alleged to have committed the offences under Sections 324, 504, 506 read with 34 IPC and later, the Section of Law was altered from Section 324 IPC to Section 326 IPC. He submits that in view of the disputes between the petitioners and the de-facto complainant with regard to a piece of land, the petitioners have been implicated in this case, but in fact, the petitioners were beaten up by the de-facto complainant and they have sustained head injuries, and on their complaint, a case in Cr.No.179 of 2021 was registered on the same day and the present complaint is registered as Cr.NO.180 of 2021. Learned counsel also filed photographs and medical reports to show that the petitioners were also beaten up by the de-facto

complainant. Learned counsel submits that it is a case and counter case and hence, their case may be considered for grant of pre-arrest bail.

4. On the other hand, learned Assistant Public Prosecutor submits that the investigation is pending and as the de-facto complainant has sustained grievous injuries, Section of law was altered to Section 326 IPC, and in view of the allegations levelled against the petitioners, they are not entitled for pre-arrest bail.

5. Taking into consideration the fact that this is a case and counter case where the petitioners have also sustained injuries, and the petitioners' case was registered as Cr.No.179 of 2021 and the present case is Cr.No.180 of 2021, this Court deems it appropriate to grant pre-arrest bail to the petitioners/A.1 and A.2.

6. Accordingly, this Criminal Petition is allowed. Petitioners/A.1 and A.2 shall surrender before the Station House Officer, Kalur Thimmandoddi Police Station, Jogulamba Gadwal District, in connection with Crime No.180 of 2021 within one week from today and on such surrender and executing personal bonds for Rs.20,000/- (Rupees twenty thousand only) each with two sureties for a like sum each to the satisfaction of the said Station House Officer, they shall be released on bail. It is made clear that no further extension of time will be granted.

7. Consequently, miscellaneous applications pending, if any, shall stand closed.

7th February, 2022

sj

LALITHA KANNEGANTI, J

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.427 of 2022

Date:07.02.2022

sj