

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.2082 of 2022

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused No.5 in Cr.No.29 of 2022 on the file of Rajapet Police Station, Rachakonda District, registered for the offences punishable under Section 307 read with 34 and 109 IPC, seeking bail.

2. The case of prosecution is that the de-facto complainant has lodged a complaint stating that on 20.02.2022 at 18.30 hours, due to land disputes, the accused beat her husband with sticks indiscriminately, due to which, he sustained injuries on his head, face, chest, both legs and fell unconscious in front of their cattle shed. Immediately, they shifted the injured to the Government Hospital, Bhongir for treatment.

3. Learned counsel for petitioner Mr. M. Ram Mohan Reddy, submits that the petitioner is alleged to have committed the offence under Section 307 read with 34 and 109 IPC. He submits that the only allegation against the petitioner is that he has instigated the other accused to kill the husband of the de-facto complainant. He submits that the injuries sustained by the injured are simple in nature and he was discharged from the hospital within two days. He submits that

there are 12 cases registered against the husband of the de-facto complainant, out of which, 4 cases were filed by the petitioner and his mother. He submits that the petitioner is a heart patient and he has also filed a certificate issued by the Department of Cardiothoracic Surgery, Osmania General Hospital, Hyderabad, wherein it is mentioned that he underwent Mitral Valve Replacement on 23.02.2005 and he is on lifelong oral anti coagulant therapy, he is also known hypertensive. He had a previous episode of cerebro vascular accident in 2011. Learned counsel submits that though the petitioner is unconnected with all the allegations in the complaint, he has been implicated falsely. He submits that as per his instructions, a rowdy sheet is opened against the husband of the de-facto complainant. Learned counsel submits that as the petitioner and his mother have given complaints against the husband of the de-facto complainant, as a counter blast, this false case has been foisted against the petitioner and hence, his case may be considered for grant pre-arrest bail.

4. On the other hand, learned Assistant Public Prosecutor submits that there are specific overt acts against the petitioner as it is stated that the petitioner has abetted the commission of alleged offence, and further, the investigation is pending and so far, 5 witnesses were examined. He submits that in view of the allegations in the complaint, the petitioner is not entitled for pre-arrest bail.

5. Taking into consideration the health condition of petitioner and as it is stated that the petitioner and his mother have filed about 4 cases against the injured and as a counter blast, the present complaint is filed and even, the injured was discharged from the hospital within two days, this Court deems it appropriate to grant bail to the petitioner-A5.

6. The Criminal Petition is allowed. Petitioner – Accused No.5 shall surrender before the Station House Officer, Rajapet Police Station, Rachakonda District, in connection with Crime No.29 of 2022, within one week from today and on such surrender and executing a personal bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer, he shall be released on bail. It is made clear that no further extension of time will be granted.

7. Miscellaneous petitions, if any pending in this criminal petition, shall stand closed.

LALITHA KANNEGANTI, J

9th March, 2022.

sj