

THE HONOURABLE DR. JUSTICE D. NAGARJUN

CRIMINAL PETITION No.3994 OF 2022

ORDER:

This Criminal Petition is filed under Section 438 Cr.P.C to enlarge the petitioner/A1 on bail in crime No.41 of 2022 registered for the offence under Sections 307, 427 r/w 34 IPC by Navipet Police Station, Nizamabad District in the event of his arrest.

2. Heard the learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent and perused the record.

3. Learned counsel for the petitioner submits that there was a free fight between the petitioner and others on one side and the petitioner sister and her sons on the other side and in the said incident, both parties have received injuries, however, there was no intention to kill the injured persons. Therefore, submitted that the offence under Section 307 IPC is not applicable and that the other offences are not serious in nature, hence, prayed the Court to allow the petition.

4. Learned Assistant Public Prosecutor submits that investigation is not yet completed and hence, prayed the Court to dismiss the petition.

5. As per the remand report, while the petitioner/A1 was beating his sisters Parveen Begum and Azara Sulthana, who are the victims, one Siraj Ahmed son of petitioner/A1's sister dragged the iron rod from the hands of accused No.1 and beat the petitioner-accused No. 1, due to which petitioner-accused No.1 has received injuries. The petitioner has filed photographs of the petitioner-accused No. 1 to show that the petitioner has received grievous injuries and was admitted in the hospital with full of bandages. According to the petitioner/A1, he has not filed any complaint since the person, who beat him, is none other than his sister's son.

6. The victims in this case have already been discharged from the hospital and the injuries alleged to have been inflicted by the petitioner are not on the vital parts of the body of the victims, and they are not grievous in nature, hence, *prima facie*, this Court is of the opinion that the offence under Section 307 of IPC may not be applicable. Once Section 307 of the IPC is not applicable, other offences are bailable in nature. Majority of investigation is also completed.

7. Considering the circumstances and the fact that the petitioner also received grievous injuries in the incident and admitted in the hospital, the petition is allowed and the

petitioner/A1 is granted anticipatory bail subject to the following conditions:

- (1) The petitioner/accused No.1 is directed to surrender before the Navipet Police Station, Nizamabad District within ten days from the date of receipt of this order, and on such surrender, the petitioner is directed to be released on bail on his executing a personal bond to a tune of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties to the like sum each to his satisfaction.
- (2) The petitioner/accused No.1 shall abide by the other conditions stipulated in Section 438(2) Cr.P.C and cooperate with the investigating officer in investigating the case as and when required.
- (3) The petitioner/accused No.1 shall appear before the concerned police on every Sunday between 9.00 am and 1.00 pm for a period of two months.

8. Miscellaneous Petitions, if any, pending, shall also stand closed.

DR. D.NAGARJUN, J

Date: 05.05.2022
gvl