

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION Nos.4406, 4471 & 4472 of 2022

COMMON ORDER:

CrI.P.No.4406 of 2022

This Criminal Petition under Sections 437 and 439 of Criminal Procedure Code is filed by petitioner/ Accused Nos.2 to 4, 6 & 7 in Crime No.19 of 2022 of Dilawarpur Police Station, Nirmal, registered for the offences punishable under Sections 302, 290 read with 34 of the Indian Penal Code.

CrI.P.No.4471 of 2022

This Criminal Petition under Sections 437 and 439 of Criminal Procedure Code is filed by petitioner/Accused No.5 in Crime No.19 of 2022 of Dilawarpur Police Station, Nirmal, registered for the offences punishable under Sections 302, 290 read with 34 of the Indian Penal Code.

CrI.P.No.4472 of 2022

These Criminal Petition under Sections 437 and 439 of Criminal Procedure Code is filed by petitioner/Accused No.1 in Crime No.19 of 2022 of Dilawarpur Police Station, Nirmal, registered for the offences punishable under Sections 302, 290 read with 34 of the Indian Penal Code.

2. The case of the prosecution is that on 24.03.2022, a complaint was lodged stating that two marriages were held on

23.03.2022 in the village and that after marriage there was a marriage procession in the evening on 23.03.2022. The attendees of the marriage procession, were dancing to the DJ system and when one procession was crossing the other, a fight ensued and in the said process, the petitioners i.e. A2 to A4, A6 & A7 in CrI.P.No.4406/2022, A5 in CrI.P.No.4471 of 2022 and A1 in CrI.P.No.4472 of 2022 have assaulted the deceased with bare hands and also kicked him when the deceased fell down.

3. Learned Counsel for petitioners submits that the incident occurred due to fight that ensued between the two marriage parties and that it cannot be said that there is any intent to kill the deceased.

4. Learned Assistant Public Prosecutor opposes these bail petitions stating that the acts of the accused resulted in death of the deceased.

5. However, as seen from the Remand Report, 9 eye-witnesses were examined and also certain seizures were effected. In the back ground of the petitioners being in jail since 76 days and witnesses to the incident being examined, the petitioners in all these petitions can be released on bail on the following conditions.

- i. the petitioners i.e. A2 to A4, A6 & A7 in CrI.P.No.4406/2022, A5 in CrI.P.No.4471 of 2022 and A1 in CrI.P.No.4472 of 2022, are directed to be released on bail on their executing personal bonds for Rs.10,000/-

(Rupees Ten Thousand only) each with two sureties each for a likesum, to the satisfaction of the Additional Judicial First Class Magistrate, Nirmal.

ii. After release on bail, the petitioners i.e. A2 to A4, A6 & A7 in CrI.P.No.4406/2022, A5 in CrI.P.No.4471 of 2022 and A1 in CrI.P.No.4472 of 2022, shall appear before the Investigating Officer on every Tuesday and Friday between 10.00 a.m to 5.00 p.m., for a period of three months or till filing of the charge sheet whichever is earlier.

iii. The petitioners i.e. A2 to A4, A6 & A7 in CrI.P.No.4406/2022, A5 in CrI.P.No.4471 of 2022 and A1 in CrI.P.No.4472 of 2022, shall not indulge in any activity attracting penal consequences, failing which the police are at liberty to file petition seeking cancellation of bail.

iv. The petitioners i.e. A2 to A4, A6 & A7 in CrI.P.No.4406/2022, A5 in CrI.P.No.4471 of 2022 and A1 in CrI.P.No.4472 of 2022, shall comply with the conditions as laid down under Section 437 (3) of Cr.P.C.

Accordingly, all the Criminal Petitions are allowed.

K.SURENDER, J

06.06.2022
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Dt.06.06.2022

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