

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.5427 OF 2022****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking bail to the petitioners who are arrayed as Accused Nos.1 and 2 in the event of their arrest in Crime No.136 of 2022 on the file of Station House Officer, Palavancha Town Police Station, Bhadrachali-Kothagudem District, registered for the offences punishable under Sections 307, 294(b), 324 and 506 read with Section 34 of Indian Penal Code.

2. Heard learned counsel for petitioners/Accused Nos.1 and 2 and learned Assistant Public Prosecutor for respondent-State. Perused the record.

3. The case of the prosecution is that a complaint was lodged stating that these petitioners who belong to the same community were residing at the back of their house and there was a quarrel regarding the property prior to the attack and the petitioners were warned to restrain from quarreling with the *de facto* complainant's family. On 13.04.2022 the petitioners went to the house of the *de facto* complainant and shouted at the *de facto* complainant's father and with a view to kill him, Accused No.1 attacked with an axe on

the head and 2nd petitioner beat his father with a club. Due to the injuries caused by Accused Nos.1 and 2, the *de facto* complainant's father was taken to the hospital as he fell unconscious.

4. Learned counsel for the petitioners submits that there are pending disputes between them and the petitioners have nothing to do with the alleged attack on the *de facto* complainant's father.

5. Learned Assistant Public Prosecutor submits that the father of the *de facto* complainant received grievous injuries.

6. As seen from the injury report, the injuries appear to have been caused with an axe by Accused No.1. For the said reason, the relief of anticipatory bail as far as 1st Petitioner/Accused No.1 is concerned is dismissed. However, the relief of anticipatory bail can be granted to the 2nd petitioner/Accused No.2.

7. Accordingly, the 2nd petitioner/Accused No.2 shall be enlarged on bail in the event of his arrest subject to the following conditions:

i) The 2nd petitioner/Accused No.2 is directed to surrender before the Station House Officer, Palavancha Town Police Station, Bhadradri-Kothagudem District within one week from today, and on such surrender, he shall be enlarged on bail on his executing

personal bonds for a sum of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties to the like sum each, to its satisfaction.

ii) The 2nd petitioner/Accused No.2 shall appear before the concerned Station House Officer on every Monday between 10.30 AM and 01.00 PM for a period of eight (08) weeks or till filing of charge sheet whoever is earlier.

iii) The 2nd petitioner/Accused No.2 shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

8. The 1st petitioner/Accused No.1 is directed to surrender before the concerned Court within one week from the date of receipt of a copy of this order and file application seeking bail with due service to the Public Prosecutor. On such surrender, the concerned Court after hearing shall dispose of the bail application, on merits, within two working days.

9. Accordingly, the Criminal Petition is partly allowed.

10. As a sequel thereto, miscellaneous applications, if any pending, shall stand closed.

K.SURENDER, J

Date: 11.07.2022
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