

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NOS.8541 OF 2022 AND
7999 OF 2022****COMMON ORDER:****Crl.P.No.8541 of 2022**

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner who is arrayed as Accused No.1 in Crime No.175 of 2022 on the file of Station House Officer, Habeebnagar Police Station, Goshamahall registered for the offences punishable under Sections 307 and 448 read with Section 34 of Indian Penal Code.

Crl.P.No.7999 of 2022

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail to the petitioner, who is arrayed as Accused No.2 in the event of his arrest in Crime No.175 of 2022 on the file of Station House Officer, Habeebnagar Police Station, Goshamahall registered for the offences punishable under Sections 307 and 448 read with Section 34 of Indian Penal Code.

2. As the crime number in both the criminal petitions is one and the same and the petitioners are Accused Nos.1 and 2 in Crime No.175 of 2022, both the criminal petitions are heard together and disposed off by way of this common order.

3. Heard learned counsel for the petitioners in both the criminal petitions and learned Assistant Public Prosecutor for the respondent-State. Perused the record.

4. The *de facto* complainant filed a complaint on 30.07.2022 stating that the petitioners/Accused Nos.1 and 2 were neighbors and constructing a new house after demolishing the old house by violating the GHMC rules. Thereafter on the basis of the complaint of *de facto* complainant to the GHMC authorities, notices were issued to Accused No.1 to stop construction. Keeping in mind, Accused Nos.1 and 2 allegedly attacked the *de facto* complainant with a knife.

5. According to the remand report, LW1/injured was treated as outpatient and after being treated he went to the police station and lodged the present complaint. The police have seized the knife which was used by Accused No.1 in the commission of crime.

6. As seen from the remand report nearly nine (09) witnesses were examined including the seizure panchas and other circumstantial witnesses. The *de facto* complainant received injuries and treated as an outpatient; and the altercation between the petitioners and *de facto* complainant was the outcome of complaint being lodged before the GHMC authorities.

7. In the said circumstances, Accused No.1 who has no criminal antecedents can be granted the relief of regular bail and Accused No.2 who has not inflicted any injuries even according to the complaint can be granted the relief of anticipatory bail.

8. Accordingly, Criminal Petition No.8541 of 2022 is allowed and the petitioner/Accused No.1 is granted bail subject to the following conditions:

- i) The petitioner/Accused No.1 shall execute personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of XVI Additional Chief Metropolitan Magistrate, Hyderabad.
- ii) The petitioner/Accused No.1 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

9. The Criminal Petition No.7999 of 2022 is allowed and the petitioner/Accused No.2 shall be enlarged on bail in the event of his arrest subject to the following conditions:

i) The petitioner/Accused No.2 is directed to surrender before the Station House Officer, Habeebnagar Police Station, Goshamahall within one week from today, and on such surrender, he shall be enlarged on bail on his executing personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties to the like sum each, to its satisfaction.

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

10. The petitioners/Accused Nos.1 and 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 until filing of charge sheet, whichever is earlier.

Miscellaneous applications, if any pending shall stand closed.

K.SURENDER, J

Date: 26.09.2022
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