

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO.1396 OF 2022

ORDER:-

This petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking pre-arrest bail to the petitioner/A.1 in the event of his arrest in connection with Crime No.28 of 2021 of Siddapur Police Station, Nagarkurnool District, registered for the offences punishable under Sections 324, 323 and 504 read with 34 of IPC.

2. The case of prosecution is that on 17.05.2021 at 0600 hours the *de facto* complainant lodged a report stating that while she was going to her home from her agriculture land, the wife of A.2 abused her in filthy language near A.3's house and after that A.1 abused her indiscriminately and quarreled with her and beat her with hands. The husband of the *de facto* complainant came to there and tried to rescue his wife from A.2, A.3 came there and abused *de facto* complainant's husband and beat him with hands and pelted stones. Basing on the said report, the present crime is registered.

3. Heard Mr.K.V.L.Jayasimha, learned counsel for the petitioner, and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submits that in view of the differences between the parties, a complaint was lodged by A.2 before the police on 17.05.2021 and the same is numbered as Crime No.27 of 2021 for the offences under Sections 324, 323 and 504 read with 34 IPC, as a counterblast to the same, the present complaint is filed. He submits that the petitioner is unconnected with the alleged offence. He further submits that at the behest of the *de facto* complainant, section of law is altered to Section 326 IPC. It is submitted that in view of the civil disputes between the parties, the petitioner is implicated in this case falsely. Hence, the petitioner's case may be considered for grant of pre-arrest bail.

5. On the other hand, learned Assistant Public Prosecutor submits *de facto* complainant in this case sustained one grievous injury and one simple injury, as such, section of law is altered to Section 326 IPC. He submits that investigation is still pending and so far eight witnesses were examined. In view of the allegations in the complaint and injuries

sustained by the *de facto* complainant, the petitioner is not entitled for pre-arrest bail.

6. Taking into consideration the fact that this case is a case and counter case, where both parties have sustained injuries, this Court deems it appropriate to grant pre-arrest bail to the petitioner/A.1.

7. Accordingly, the Criminal Petition is allowed. Petitioner/A.1 shall surrender before the Station House Officer, Siddapur Police Station, Nagarkurnool District, in connection with Crime No.28 of 2021 within one week from today and on such surrender and executing a personal bond for a sum 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.

Miscellaneous applications, pending if any, shall stand closed.

LALITHA KANNEGANTI, J

Date :22.02.2022

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