

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO.531 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 petitioners/A.1 to A.7 in the event of their arrest in connection with Crime No.94 of 2021 of Atmakur (Wanaparthi) Police Station, Wanaparthi District, registered for the offences punishable under Sections 324 and 323 read with 34 IPC.

2. The case of prosecution is that on 01.08.2021 the *de facto* complainant lodged a complaint stating that they have disputes in respect of land in S.No.287 with their relatives since four years. Today i.e., on 01.08.2021 at 1200 hours, accused persons, belong to Jurala Village, are damaging the trees with JCB, meantime her husband, uncle, brother-in-laws viz., siva, Khasim and Nagaraju, are trying to stop the above JCB, the accused persons are attacked with sticks, Parakattas hitting the hands and stones and beat with stick on her uncle, due to which, he caused blood injury and also cause injury to her brother-in-law/Siva. Immediately they rushed to the hospital for treatment. Basing on the said report, the present crime is registered.

3. Heard Mr.Ramesh Bura, learned counsel for the petitioners, and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioners submits that initially a complaint was registered under Sections 324 and 323 read with 34 IPC and later Section 326 IPC is added. He submits that in view of the disputes between petitioner No.1/A.1 and *de facto* complainant's family, all other petitioners were implicated in this case. He further submits that except stating that the petitioners with the help of JCB are removing the trees, there are no other allegations made in the complaint. It is submitted that except on petitioner No.4/A.4, there are no other specific overt acts against the other petitioners. It is further submitted that the petitioners are innocent and they are implicated in this case falsely. He submits that petitioners have no criminal antecedents. Hence, their case may be considered for grant of pre-arrest bail.

5. On the other hand, learned Assistant Public Prosecutor submits the *de facto* complainant and other persons have sustained injuries, hence, section of law is altered to 326 IPC. In view of the allegations and nature of injuries, the petitioners are not entitled for pre-arrest bail.

6. Taking into consideration the fact that there are specific overt acts against petitioner No.4/A.4, this Court deems it appropriate to grant pre-arrest bail to A.1 to A.3 and A.5 to A.7. So far as petitioner No.4/A.4 is concerned, this Court is not inclined to grant pre-arrest bail.

7. Accordingly, this Criminal Petition is allowed in part. Petitioner Nos.1 to 3 and 5 to 7/A.1 to A.3 and A.5 to A.7 shall surrender before the Station House Officer, Atmakur (Wanaparthi) Police Station,

Wanaparthi District, in connection with Crime No.94 of 2021 within one week from today and on such surrender and executing personal bonds for a sum of Rs.20,000/- (Rupees twenty thousand only) each with two sureties for a like sum each to the satisfaction of the said Station House Officer, they 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 :07.02.2022

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