

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO. 10280 OF 2021

ORDER:

This Criminal Petition is filed under Section 438 Cr.P.C. seeking pre-arrest bail to petitioners - Accused Nos. 1 and 2 in the event of their arrest in connection with Crime No. 51 of 2020 of Nawabpet Police Station registered for the offence punishable under Section 307 read with Section 34 IPC.

2. The case of the prosecution is that on 09.05.2020 at 10.00 hours, when the de-facto complainant was harvesting their paddy crop, all the accused assaulted with an iron rod over his head causing bleeding injury with an intention to kill him.

3. Learned counsel for petitioners submits that petitioners are innocent and they have been falsely implicated in the present case. He further submits that no specific overt acts are attributed against petitioners, except omnibus allegations. He also submits that petitioners have no criminal antecedents, hence, their case may be considered for grant of pre-arrest bail.

4. Learned Assistant Public Prosecutor vehemently opposed to grant pre-arrest bail to petitioners.

5. A perusal of the injury report shows that de-facto complainant sustained only three injuries i.e., lacerated injury on right side of head, back of head and pain in the left shoulder and right leg and that all the injuries are simple in nature. Thus, as per the injury report, it seems that Section 307 IPC is not attracted. Looking into the nature of allegations levelled against petitioners and as a counter case is also filed with regard to the said incident,

without delving into the merits of the matter, this Court deems it a fit case to grant pre-arrest bail to petitioners.

6. The Criminal Petition is therefore, allowed. Petitioners – Accused Nos. 1 and 2 are directed to surrender before the Station House Officer, Nawabpet Police Station, Mahabubnagar District, within a period of 15 days from the date of this order and on such surrender, the said Station House Officer shall release petitioners on bail on each of them executing a personal bond for a sum of Rs.15,000/- (Rupees fifteen thousand only) with two sureties for a like sum each to his satisfaction. On such release, petitioners – Accused Nos. 1 and 2 shall appear before the Investigating Officer on 3rd Saturday of every month between 10.00 AM and 5.00 PM., till filing of charge sheet. Petitioners shall not indulge in similar type of activities in future. If they are indulged in similar type of activities in future, liberty granted to them shall stand cancelled automatically. Petitioners shall abide by the other conditions stipulated in Section 438(2) Cr.P.C. and cooperate with the investigation.

LALITHA KANNEGANTI, J

07th January 2022

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