

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.2887 OF 2023

ORDER:

This Criminal Petition is filed by the petitioners – accused Nos.1 and 2 under Section 438 of Cr.P.C. to enlarge the petitioners – accused Nos.1 and 2 on anticipatory bail in the event of their arrest in connection with Crime No.17 of 2023 of P.S. Addaguduru, Yadadri-Bhongir District registered for the offences under Sections 341, 307 and 323 read with Section 34 of IPC.

2. The case of the prosecution in brief was that on 28.01.2023 at 1:00 PM, the complainant by name Beesu Narsaiah lodged a report before the police stating that he was having Ac. 4-15 gts of land in Sy.No.193 of Kanchanapalli village. The petitioner No.1, Chede Chandraiah was his adjacent land owner having land in Sy.No. 194. For the past few years, Chede Chandraiah was claiming approximately 30 guntas of land in the land which belonged to him in Sy.No. 193. There were disputes between them frequently and panchayaths were also conducted in the presence of village elders but the said issue was not solved. On 23-01-2023,

Chede Chendriah planted rice saplings in the field, that belonged to him. On 26-1-2023, while the complainant was ploughing the land with his tractor, in the mean time, Chede Chandraiah and his wife Chede Anjamma came to him and obstructed him. Chede Chandraiah attacked him from the left side with an axe and Chede Anjamma attacked from the right side. While he was trying to escape from their attack, the tractor moved forward and his legs pressed on the accelerator accidentally and Chede Chandramma fell down near left side of the tractor wheel and it hit her. Chede Chandraiah pushed him down and beat him with hands on his stomach, knowing fully well that he had undergone operation earlier on his stomach.

3. Basing on the said report, police registered a case vide Crime No.17 of 2023 for the offences under Sections 341, 307 and 323 read with Section 34 of IPC.

4. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor.

5. The learned counsel for the petitioner submitted that the complainant sustained only a simple injury on his upper lip but the petitioner No.2 sustained grievous injury to her left leg, as the complainant moved the tractor on the petitioner No.2, who fell down and tried to kill her. She was saved by the petitioner No.1 as he pulled her immediately otherwise, she would have died by falling under the wheels of tractor. The police under the influence of the complainant, registered a case against the petitioners. The petitioners also lodged a complaint against the complainant herein, but the police did not take any action against him. The petitioners belonged to Schedule Caste community and prayed to enlarge the petitioners on bail in the event of their arrest.

6. The learned Additional Public Prosecutor, on the other hand, contended that the case filed by the petitioner was a counter blast to the case filed by the complainant herein. The case filed by the complainant was registered earlier as Crime No.17 of 2023 and the case filed by the petitioners herein was registered as Crime No.19 of 2023. As per the instructions received by him, the petitioner/

accused No.1 was involved in six other cases and prayed to dismiss the petitioners.

7. Perused the record. As per the complainant, the petitioners attacked him with an axe with an intention to kill him. But his complaint itself would disclose that while he was trying to escape from their attack, the tractor moved forward and his leg pressed the accelerator accidentally and the petitioner No.2 fell down near the left side of the tractor wheel. It was the petitioner No.2 who sustained grievous injury on her leg due to the act of the complainant, who moved the tractor against the petitioner No.2. The complainant contended that the petitioner No.1 had pushed him down and beat him with hands on his stomach. When he stated that the petitioners were holding axe, beating him with hands itself would show that they were not having any intention to kill him. Though the complainant stated that the petitioner No.1 has bet him with hands on his stomach, the medical certificate filed by the learned Additional Public Prosecutor would disclose that there were no injuries sustained by the complainant on the stomach

except a small injury to upper lip and abrasion of nail marks on both sides of neck and the nature of injury was shown as simple.

8. Thus, the contents of the complaint were not matching with the injury sustained by the complainant. The case record of the petitioner No.2 filed along with the bail application would disclose that the petitioner No.2 sustained compound Grade-III fracture of Calcaneum and wound debridement and K-wire fixation for left calcaneum was conducted on her.

9. Considering the facts of the case and the injuries sustained by both the petitioner No.2 and the complainant, it is considered fit to grant anticipatory bail to the petitioners.

10. In the result, the Criminal Petition is allowed and the petitioners are granted anticipatory bail and directed to be released in the event of their arrest subject to the following terms and conditions:

- a) The petitioners are directed to surrender before the Junior Civil Judge, Ramannapet within a period of fifteen

(15) days from the date of this order, and on such surrender they shall be released on bail on executing a personal bond for a sum of Rs.10,000/- with two sureties each for the like-sum to the satisfaction of the said Junior Civil Judge, Ramannapet with a condition that they should co-operate with the investigating agency and should appear before them as and when required by the investigating agency.

- b) The petitioners shall comply the conditions as mentioned under Section 438(2) of Cr.P.C.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. G.RADHA RANI, J

04th April, 2023

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