

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.3215 OF 2023

ORDER:

This Criminal Petition is filed by the petitioner – A3 and A4 under Sections 437 and 439 of Cr.P.C., for grant of regular bail in Crime No.69 of 2023 on the file of Station House Officer, Ghanpur, Jayashankar Bhupalpally District, registered for the offence punishable under Section 307 read with 34 IPC.

2. The case of the prosecution in brief was that on 06.03.2023 at 8.30 PM, the complainant lodged a report in the Police Station stating that he belonged to Congress Party and A1 to A4, who belong to TRS Party, abused him and his brother though they kept silent to avoid nuisance. A1 to A4 went to Burrakayalagudem, stood under a tree near readymix plant and after having alcohol, called the complainant and his brother by making a phone call through A4 to talk about the issue and when LWs.1 to 6 reached Burrakayalagudem at about 2.00 PM, A1 attacked and beat LW.1 with a beer bottle on his head with an intention to eliminate him. Meanwhile, when LW.2 interfered, A1

threw a broken beer bottle on him and the same hit his right leg. A2 beat LW.2 with a stone on his back. Due to fear when LWs.1 and 2 were fleeing from there, A1 to A4 chased them and beat all of them with hands. Basing on the said report given by the complainant, the police of Ghanpur registered a case vide Crime No.69 of 2023 for the offence under Section 307 read with 34 IPC. They effected the arrest of A3 and A4 on 27.03.2023 at the house of A3 at Gandhinagar.

3. Heard learned counsel for the petitioners-A3 and A4 and the learned Additional Public Prosecutor.

4. The learned counsel for the petitioners - A3 and A4 submitted that no role was played by the petitioners in the alleged offences. In fact, they tried to protect the complainant and his group and tried to stop fighting. No specific allegations were made against the petitioners by the complainant. The names of the petitioners were referred only to the extent that A4 made a phone call asking the complainant to come to the scene of offence. A1 was granted anticipatory bail by this Court on 31.03.2023. No specific overt acts were attributed against the petitioners to attract

the offence under Section 307 IPC and prayed to enlarge the petitioners on bail.

5. The learned Additional Public Prosecutor also reported that A1 was granted anticipatory bail by this Court and also submitted that no specific overt acts were attributed against the petitioners - A3 and A4 by the complainant.

6. Considering the submissions of the learned counsel for the petitioners and the learned Additional Public Prosecutor and as the main accused (A1) was granted anticipatory bail and it appears to be a political rivalry between the two parties and a case and counter case were also filed by one against the other and it was also mentioned in Crl.P. No.3128 of 2023 (anticipatory bail application of A1) that Crime No.71 of 2023 was registered against the *de facto* complainant at Ghanapur Police Station and that the *de facto* complainant sustained only simple injuries and particularly as no specific overt acts were attributed against the petitioners-A3 and A4, it is considered fit to enlarge the petitioners on bail conditionally.

7. Accordingly, the Criminal Petition is allowed and the petitioners- A3 and A4 are directed to be released on bail on each of them executing a personal bond to a tune of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum each to the satisfaction of the Junior Civil Judge cum Judicial Magistrate of First Class, Bhupalpally.

Miscellaneous applications, if any, pending, shall stand closed.

Dr. JUSTICE G. RADHA RANI

April 03, 2023
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