

THE HON'BLE SRI JUSTICE M.LAXMAN

CRIMINAL PETITION No.4411 of 2023

ORDER:

1. This petition is filed seeking anticipatory bail under Section 438 of Criminal Procedure Code, 1973 (Cr.P.C). The petitioners are accused Nos.1 and 2 in Crime No.185 of 2023 of Jangaon Police Station, Jangaon District. The offences alleged against the petitioners are Section 307 read with Section 34 of Indian Penal Code.

2. The sum and substance of the case of the prosecution is that the accused No.1 is nephew of accused No.2; the sister-in-law of the complainant got married with accused No.2 and there were family disputes between them. On 26.03.2023, at about 4.30 p.m., there was a panchayat to settle their disputes. In the panchayat, the accused No.1 allegedly abused uncle of the complainant in filthy language and also tried to attack him. When the complainant and his brother/injured tried to intervene, accused No.1 attacked the injured with stone with an intention to kill and inflicted injury on the head of the injured.

3. Heard learned counsel for the petitioners and the learned Public Prosecutor appearing for the respondent. Perused the material placed on record.

4. Considering the nature of allegation, it is accused No.1, who alone inflicted the grievous injury on the head of the injured with the stone. There are no allegations to show that accused No.2 has attacked the injured, though he has participated in the panchayat. Therefore, request of accused No.2, to grant anticipatory bail can be considered.

5. Considering the above facts and circumstances of the case, I do not find any merits in the request of accused No.1 to grant anticipatory bail. Therefore, this Court is not inclined to consider the request of accused No.1, to grant anticipatory bail.

6. In the result, this petition is dismissed in respect of accused No.1 and allowed in respect of accused No.2 on the following terms and conditions:

(i) The petitioner/accused No.2 is enlarged on bail in the event of his arrest in connection with Crime No.185 of 2023 on the file of the Station House Officer, Jangaon Police Station, Jangaon District, on executing a personal bond for a sum of Rs.25,000/-

(Rupees Twenty Five Thousand only) with two sureties to the like sum each to the satisfaction of concerned Station House Officer.

(ii) The petitioner/accused No.2 shall appear before the Station House Officer, Jangaon Police Station, Jangaon District on every Sunday between 10.00 am and 05.00 pm, till completion of investigation and filing of final report.

(iii) The petitioner/accused No.2 shall abide by the other conditions stipulated in Section 438 (2) Cr.P.C and co-operate with the Investigating Officer in investigating the case.

JUSTICE M.LAXMAN

07.06.2023

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