

**THE HON'BLE SMT.JUSTICE G.ANUPAMA CHAKRAVARTHY**

**CRIMINAL PETITION No.4680 OF 2023**

**ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail to the petitioners, who are arrayed as Accused Nos.1 to 3 in the event of their arrest in F.I.R.No.233 of 2023 on the file of Khammam Rural Police Station, Khammam District, registered for the offence punishable under Section 307 r/w 34 of Indian Penal Code.

2. Heard learned counsel for the petitioners/Accused Nos.1 to 3 and learned Assistant Public Prosecutor for respondent-State. Perused the record.

3. The case of the prosecution is that on 05.05.2023 at 10:00 A.M, the *de facto* complainant lodged a complaint stating that on 04.05.2023 at about 16:00 hours, his father was attacked by the petitioners with their tractor, as a result of which, the tractor's tyre passed over the left leg of his father and two fingers were fractured. Hence, the above crime was registered against the petitioners.

4. Learned counsel for the petitioners submits that one Pichala Narayana, who is the father-in-law of A2, grandfather of A1 and distant relative of A3 expired on 04.05.2023 and the petitioners were objected from performing the funeral rites of said Narayana in the disputed land. As there were civil disputes between the *de facto* complainant and the petitioners, they were falsely implicated in this case. In view of the death of the deceased, the petitioners have to attend the death ceremony of the deceased which is going to be held on 17.05.2023 and 18.05.2023 and as there is every chance of the arrest of the petitioners, it is prayed to grant anticipatory bail to the petitioners.

5. Considering the nature of the offence, this Court is of the considered view that the petitioners being the relatives of the deceased, they are supposed to attend his death ceremony on 17.05.2023 and 18.05.2023.

6. Having regard to the said circumstances, the petitioners can be granted the relief of anticipatory bail.

7. Accordingly, the Criminal Petition is allowed and the petitioners/Accused Nos.1 to 3 shall be enlarged on bail in the event of their arrest subject to the following conditions:

- i) The petitioners/Accused Nos.1 to 3 are directed to surrender before the II Additional Judicial First Class Magistrate at Khammam on or before 13.05.2023, and on such surrender, they shall be enlarged on bail on their executing personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties each for a like sum each, to the satisfaction of the learned Magistrate.
- ii) The petitioners/Accused Nos.1 to 3 shall appear before the concerned Station House Officer on every fortnight that too on Monday between 10.00 AM and 05.00 PM till the date of filing of chargesheet.
- iii) The petitioners/Accused Nos.1 to 3 shall abide by the other conditions stipulated in Section 438(3) Cr.P.C.

8. As a sequel thereto, miscellaneous applications, if any pending, shall stand closed.

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**G. ANUPAMA CHAKRAVARTHY, J**

**11.05.2023**

Myk.