

THE HONBLE SRI JUSTICE SAMBASIVA RAO NAIDU

CRIMINAL PETITION No.4684 of 2023

ORDER:

This Criminal Petition is filed by the petitioners/Accused Nos.1 and 2 under Section 438 of the Code of Criminal Procedure, 1973 with a prayer to grant anticipatory bail in Crime No.20 of 2023 on the file of SHO, PS, Mahabubabad Town, for the offence punishable under Section 307 r/w 34 IPC.

2. The brief facts of the case as per the complaint lodged before the police are that the de facto complainant is no other than the husband of the 1st petitioner/Accused No.1 and father of the 2nd petitioner/Accused No.2. The de-facto complainant has informed the police that there were some disputes between the couple i.e. de-facto complainant and petitioner No.1 and on 14.01.2023, there was a quarrel took place between the petitioners and de facto complainant. It is alleged in the complaint that his wife and son i.e. petitioners, made an attempt on the life of the de facto complainant by causing injuries.

3. Learned counsel for the petitioners submitted that the 1st petitioner has already filed a case i.e. DVC No.16 of 2014 and there was an order in her favour on 22.09.2017, whereunder, she was granted protection under Section 18 of the Protection of Women from Domestic Violence Act, 2005 and a direction to the de facto complainant to pay maintenance and provide accommodation. It is further submitted that there was some other civil litigation between the parties.

4. Learned counsel for the petitioners also stated that there are no grievous injuries on the vital parts of the de facto complainant and he suffered only one laceration on the left palm. He further submitted that the 2nd petitioner is a student and supposed to attend his examination and if he is arrested, his entire education career will be spoiled.

5. The record placed before the court shows that there are disputes between the couple which led the 1st petitioner herein in filing the case i.e. DVC No.16 of 2014 and obtaining an order. The complaint lodged by the de facto complainant

discloses averments touching the offence under Section 307 of IPC, but, as per the information placed before the court, the de facto complainant was not treated as in-patient. Learned counsel for the petitioners submitted that the petitioner No.2/accused No.2 is studying at Hanmakonda District. Therefore, the petitioners' request for grant of anticipatory bail can be considered.

7. Accordingly, the Criminal Petition is allowed and the petitioners/Accused Nos.1 & 2 shall be enlarged on bail in the event of their arrest subject to the following conditions:

- i) The petitioners/Accused Nos.1 & 2 are directed to surrender before the Court concerned on or before 25.05.2023. On such surrender, they shall be enlarged on bail on their executing personal bonds for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties for the like sum each to the satisfaction of the Court concerned.

- ii) In case, the petitioners/Accused Nos.1 & 2 hold passport, they are directed to surrender the same before the Court concerned.
- iii) The petitioners/Accused Nos.1 & 2 shall cooperate with the investigating officer for proper investigation of the case.
- iv) The petitioners/Accused Nos.1 and 2 shall not involve in any unlawful activity.
- v) The petitioners/Accused Nos.1 and 2 shall not leave the headquarters without the prior permission of the Court concerned. However, Petitioner/Accused No.2 shall leave the Headquarters to attend his examinations at Hanmakonda.
- vi) The petitioners/Accused Nos.1 and 2 shall not tamper with the evidence in any manner.

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

JUSTICE SAMBASIVA RAO NAIDU

Date: 18.05.2023
gvl/smk

THE HONOURABLE JUSTICE SAMBASIVA RAO NAIDU

CRIMINAL PETITION No.4684 OF 2023

18.05.2023

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