

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No. 4966 OF 2023

ORDER:

1. This petition is filed seeking to grant anticipatory bail under Section 438 of Criminal Procedure Code, 1973 (Cr.P.C). The petitioners are accused Nos.1 to 11 in Crime No.68 of 2023 of Shankarpally Police Station, Cyberabad. The offences alleged against the petitioners are under Section 447, 427, 324, 323 read with 34 of Indian Penal Code.

2. The sum and substance of case of the prosecution is that there are civil disputes between two parties in respect of land in survey Nos.93 to 95 to the extent of Ac.24.20 guntas situated in the outskirts of Mokila Thanda of Shankarpally. The injured parties claimed that they are in possession and they are rightful owners. The petitioners/accused claimed that they are rightful owners and enjoyers of the land. Further, the allegation is that on 08.02.2023 at about 08.30 am around 15 accused including present petitioners allegedly entered into the land of injured parties along with 6 Dojars, 6 JCBs and axes, sticks and stones when they ploughed the land. They made a dial to 100 of

police. Then all the accused allegedly beat them. Initially FIR was registered for the offences under Section 447, 427, 324, 323 read with 34 of IPC. Subsequently, an alteration memo was filed stating that one of the injured sustained grievous injuries and altering the Section of 326 of IPC. There is also counter case by the present petitioners/ accused Nos.1 to 11 for the offences under Section 324, 323, 504 and 506 of IPC.

3. Learned counsel for the petitioners/accused Nos.1 to 11 submitted that initially minor offences were registered in the FIR and when there was direction to give Section 41-A Cr.P.C notice, section was altered on the basis of injuries certificate, which apparently could not reflect the sufferance of grievous hurt and only tenderness over the parts of the body, which is not grievous hurt. It is further submitted that there is case and counter case of both the parties even asserting their right over the land.

4. Learned Public Prosecutor opposed the bail petition to the petitioners/accused Nos.1 to 11.

5. As seen from the injuries certificate, this Court finds that tenderness over the right ribs and hypochondriac region and it

appears that the Doctor has given that injuries are grievous in nature without indicating how such injuries, which are tender, became grievous hurt. Further, all the other offences are punishable below seven years. There is case and counter case of both the parties asserting rights over the land. Considering the above facts and circumstances, this Court is inclined to grant bail to the petitioners/accused Nos.1 to 11.

6. Accordingly, the Criminal Petition is allowed and the petitioners/accused Nos.1 to 11 shall be released on bail on the following terms and conditions:

- (i) The petitioners/accused Nos.1 to 11 shall be released on bail on their executing a personal bond for Rs.25,000/- (Rupees twenty Five thousand only) each with two sureties for a like sum each to the satisfaction of the Station House Officer, Shankarpally Police Station, Cyberabad.
- (ii) The petitioners/accused Nos.1 to 11 shall appear before the Station House Officer, Shankarpally Police Station, Cyberabad on every Saturday between 10.00 am and 05.00 pm for two months.
- (iii) The petitioners/accused Nos.1 to 11 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.

- (iv) The petitioners/accused Nos.1 to 11 shall make available with the investigating agency for proper investigation and they shall fully cooperate with the investigating agency. They shall not act in any manner which will be prejudicial to fair and expeditious investigation.
- (v) The petitioners/accused Nos.1 to 11 shall not indulge in similar kind of activities until conclusion of trial.

JUSTICE M. LAXMAN

15.06.2023
pld/plp

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