

THE HON'BLE SRI JUSTICE M.LAXMAN

CRIMINAL PETITION No.5127 of 2023

ORDER:

1. This petition is filed seeking anticipatory bail under Section 438 of Criminal Procedure Code, 1973 (Cr.P.C). The petitioner is accused No.1 in Crime No.12 of 2023 of Bhavani Nagar Police Station, Hyderabad District. The offences alleged against the petitioner are Sections 324, 504, 506 read with 34 of Indian Penal Code.

2. The sum and substance of case of the prosecution is that there is a dispute between the accused and the complainant regarding the house. Initially, the defacto complainant was holding the house and he allegedly executed oral gift deed and the same was reduced into writing. In spite of that the petitioner was continuously trying to assert his right over the property claiming as owner. Therefore, he filed a civil suit and obtained temporary injunction over the property. The allegation is that on 14.01.2023, the petitioner went to house of the complainant with henchmen and allegedly attacked the defacto complainant with an intention to kill him.

3. The contention of the learned counsel for the petitioner is that the petitioner is the owner and possessor of the property and he obtained temporary injunction over the property. This case is filed as a counter blast to settle the civil dispute.

4. Learned Additional Public Prosecutor appearing for the respondent opposed to grant anticipatory bail to the petitioner.

5. A perusal of the record, it indicates that the defacto complainant sustained fracture injury on his leg. However, initially there was no allegation to the effect that such attack was made with an intention to kill him. Subsequently, Section of law was altered. Further, the petitioner is having temporary injunction in his favour and he has right to resist any acts of interference by the complainant. In the said circumstances, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the Criminal Petition is allowed on the following terms and conditions:

- (i) The petitioner/accused No.1 is enlarged on bail in the event of his arrest in connection with FIR No.12 of 2023 on the file of the Station House Officer, Bhavani Nagar Police Station, Hyderabad District, on executing his 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.1 shall appear before the Station House Officer, Bhavani Nagar Police Station, Hyderabad District on every Monday and Sunday between 10.00 am and 05.00 pm, for a period of three months.
- (iii) The petitioner/accused No.1 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.

20.06.2023
Dua/Prn

JUSTICE M.LAXMAN

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