

HON'BLE SRI JUSTICE K.SURENDER
CRIMINAL PETITION No.5207 of 2023

ORDER:

This petition is filed seeking anticipatory bail under Section 438 of Criminal Procedure Code, 1973 (Cr.P.C). The petitioners are accused Nos.1 to 5 in Crime No.81 of 2023 of the file of the Damera Police Station, Hanumakonda District. The offences alleged against the petitioners are Sections 307, 144 read with Section 149 of Indian Penal Code.

2. The case of the prosecution is that there was a civil dispute between accused No.1 and the complainant. Due to which, accused Nos.1 to 5 formed unlawful assembly to kill the complainant. Accordingly, accused No.1 tried to stab the complainant with knife when other accused caught hold him. But when the complainant tried to rescue from their clutches, he sustained injury on his hand. Hence, the complaint.

3. The learned counsel for the petitioners stated that the petitioner No.1 has filed a Civil Suit vide O.S.No.144 of 2022 against the complainant and the same was pending. Keeping in view the same, the complainant has lodged a false complainant against the petitioners. Further, he stated that the petitioners are

innocent and they have not committed any offence as alleged by the prosecution.

4. On instructions, the learned Public Prosecutor submitted that the complaint has received simple injury on the elbow. Further, he opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel on either side and perused the material placed on record.

6. Keeping in view the civil dispute between the parties and also taking into consideration the fact that the injury is not on any vital part of the body and it is a simple injury, the petitioners can be granted anticipatory bail.

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

(i) The petitioners/accused Nos.1 to 5 are directed to surrender before the Station House Officer, Damera, Hanumakonda District on 26.06.2023. On such surrender, they shall be enlarged on bail on their executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties to the like sum each to the satisfaction of concerned Station House Officer.

(ii) The petitioners/accused Nos.1 to 5 shall appear before the Station House Officer, Damera Police Station, Hanumakonda District on every Monday at 10.00 a.m., for a period of four weeks and thereafter as and when required for investigation.

(iii) The petitioners/accused Nos.1 to 5 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.

23.06.2023
Dua/Mmr

K.SURENDER, J

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