

THE HONOURABLE SRI JUSTICE M.LAXMAN

CRIMINAL PETITION NO.5499 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.257 of 2022 of Kollapur Police Station, Nagarkurnool District. The offences alleged against the petitioner are under Sections 341 and 307 read with Section 34 of the Indian Penal Code.

2. The sum and substance of case of the prosecution is that on 17.12.2022 at about 05:50 p.m. accused No.1 allegedly went to the shop of victim and at that time, the victim was not there and his wife was present. When, accused No.1 enquired, the wife of the victim told that victim went to Ramapuram village. On the same day at about 06:30 p.m., accused Nos.1 to 3 stopped the scooty of the victim and initially with an intention to kill attacked him with hands and kicked him with legs. Subsequently, they attacked the victim with sticks. As a result, the victim became unconscious, when the brother of the victim tried to interfere, accused threatened him. Later, the victim was shifted to Government hospital for treatment.

3. Learned counsel for the petitioner/accused No.1 stated that accused Nos.2 and 3 were granted bail and bail of the petitioner/accused No.1 was initially rejected on the ground that he

was involved in another criminal case and the said case was filed under Section 304-A of Indian Penal Code.

4. Learned Additional Public Prosecutor opposed the grant of anticipatory bail to the petitioner.

5. As seen from the complaint, there is delay of nearly 24 hours. It also shows that the initial attack was made using hands and legs. Subsequently, it is stated that attack was made with sticks. If, the accused had preplanned to kill the victim, they must have attacked initially with sticks. Further, accused Nos.2 and 3 were granted bail. There are omnibus allegations against all the accused in respect of beating the victim. There is no specific overt act on the petitioner/accused No.1. Further, there is motive that amounts were due to accused from the victim. Hence, there is chance of false implication. In the said circumstances, this Court feels that the accused No.1 can be extended the benefit of bail.

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.257 of 2022 on the file of the Station House Officer, Kollapur Police Station, Nagarkurnool District, on his executing 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, Kollapur Police Station, Nagarkurnool District, on every Saturday between 10.00 am and 05.00 pm for a period of one month.

(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.

JUSTICE M. LAXMAN

Date: 30.06.2023
GVR