

THE HONOURABLE SRI JUSTICE M.LAXMAN

CRIMINAL PETITION Nos.5512, 5510 and 5487 OF 2023

COMMON ORDER :

Crl.P.No.5512 and 5510 of 2023

These Criminal Petitions are filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioners who are arrayed as Accused Nos.3 to 5, 11, 14, 17 and 19 to 22 in Crime No.116 of 2023 on the file of Station House Officer, Gadwal Town Police Station, Jogulamba Gadwal District. The offences alleged against the petitioners are under Sections 147, 148, 307, 384, 506 and 109 read with Section 149 of the Indian Penal Code.

Crl.P.No.5487 of 2023

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail to the petitioners who are arrayed as Accused Nos.1, 2, 6 to 9, 12, 15, 16 and 18 in Crime No.116 of 2023 on the file of Station House Officer, Gadwal Town Police Station, Jogulamba Gadwal District. The offences alleged against the petitioners are under Sections 147, 148, 307, 384, 506 and 109 read with Section 149 of the Indian Penal Code.

2. As the crime number in all the criminal petitions is one and the same and the petitioners are Accused in Crime No.116 of 2023, all the criminal petitions are heard together and disposed of by way of this common order.

3. The sum and substance of case of the prosecution is that the injured-complainant is an Ex-Surpanch of the village and he belongs to ruling party. One Govindu allegedly entered into an agreement of sale with third party, in which accused No.13 was interested. Subsequent to agreement, the land owner refused to register the land. In this regard, a panchayath was held before the complainant. Subsequent to panchayath, the followers of Accused No.13 allegedly threatened the complainant for holding the panchayath and the agreement holder allegedly not paid the balance amount with interest as agreed. Keeping the above incident in view, on 30.05.2023 when the injured persons went to Redchilli Hotel, Gadwal, accused nos.1 to 12 and other 20 persons with sticks and stones allegedly attacked on the injured persons with an intention to kill them and caused head injury and other injuries. The said incident was done at the behest of accused No.13.

4. Learned counsel for the petitioners submitted that the CC TV footage collected on the scene of offence shows that there is no holding of any deadly weapons by the accused at the time of alleged incident. It was a small issue and the injured who is from ruling party taken influence of his post and registered a false case showing the aggravated offence in order to deprive the benefit of bail for lesser offence. It is also his contention that all the injuries sustained were minor injuries and if the incident of attack was done by 32 members, definitely if they had intention to kill them, would have achieved the result.

5. Learned Additional Public Prosecutor opposed the bail application contending that the investigation is still pending and some of the main accused are still in abscondance.

6. A glance of the complaint and the investigation done shows that initially complaint is lodged alleging that 32 persons, 12 named and other 20 unnamed persons allegedly attacked with sticks and stones. The injury certificate produced by the public prosecutor shows that the complainant is followed suffered blunt injuries apart from other abrasion injuries and also multiple injuries were there. All the injuries suffered by injured were simple in

nature. The contention that no deadly weapons were used cannot be decided at this stage. In the light of the injuries found on one of the injured showing blunt injury, it cannot be said that injuries caused in free fight without weapons. This Court did not ignore the fact that all the 32 persons were tried to attack on the petitioners, they would have achieved their object of killing without much resistance. Some of the accused were in remand for more than 30 days and some of the accused were seeking anticipatory bail were not named in the FIR.

7. Keeping the above factors in view, this Court is inclined to allow the regular bail applications in CrI.Petition Nos.5510 and 5512 of 2023. This Court also inclined to partly allow the anticipatory bail in CrI.P.No.5487 of 2023 for accused Nos.15, 16 and 18. Other petitioners who are seeking anticipatory bail were named in the FIR and some were prime accused. Considering the injuries sustained by the injured, I am not inclined to allow the request of accused Nos.1, 2, 6 to 9 and 12.

8. Accordingly, CrI.Petition Nos.5510 and 5512 of 2023 are allowed and the petitioners – accused Nos.3 to 5, 11, 14, 17 and 19 to 22 shall be released on bail on the following terms and conditions:

i) The petitioners-accused Nos.3 to 5, 11, 14, 17 and 19 to 22 shall be released on bail on their executing a personal bond for Rs.25,000/- (Rupees Fifty Five only) each with two sureties for a like sum each to the satisfaction of the I Additional Judicial First Class Magistrate at Gadwal.

ii) The petitioners-accused Nos.3 to 5, 11, 14, 17 and 19 to 22 shall make available with the investigating agency for proper investigation and they shall fully cooperate with the investigation agency. They shall not at in any manner which will be prejudicial to fair and expeditious investigation.

9. The CrI.P.No.5487 of 2023 is partly allowed and the petitioners-accused Nos.15, 16 and 18 shall be enlarged on bail in the event of their arrest on the following terms and conditions. The request of Accused Nos.1, 2, 6 to 9 and 12 is dismissed.

i) The petitioners-accused Nos.15, 16 and 18 are enlarged on bail in the event of their arrest in connection with FIR No.116 of 2023 on the file of the Station House Officer, Gadwal Town Police Station, Jogulamba Gadwal District on their executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)

each with two sureties to the like sum each to the satisfaction of concerned Station House Officer.

ii) The petitioners-accused Nos.15, 16 and 18 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.

Date: 30.06.2023
pld/ns

JUSTICE M. LAXMAN

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