

THE HONOURABLE SRI JUSTICE M.LAXMAN

CRIMINAL PETITION NO.5581 OF 2023

ORDER :

1. This petition is filed under Section 438 of Criminal Procedure Code, 1973 (Cr.P.C) seeking anticipatory bail to the petitioner, who is sole accused in Crime No.107 of 2023 of Echoda Police Station, Adilabad District. The offence alleged against the petitioner is under Section 307 of the Indian Penal Code.

2. The sum and substance of case of the prosecution is that when the injured was working in his field, the accused allegedly attacked on the injured with crowbar and caused injuries on the head and such attack was made with an intention to kill the injured.

3. Learned counsel for the petitioner submitted that the petitioner also lodged a complaint against the accused stating that when the injured was trying to dig his field which is neighboring field, there was a scuffle and in the

said scuffle injured fell down on the crowbar and received injuries.

4. Learned additional public prosecutor opposed the bail application.

5. It is not in dispute that there is another FIR at the instance of petitioner. The facts therein shows that there was scuffle, in the scuffle when the petitioner thrown the injured, he fell on the crowbar. The nature of injury supports somewhat the defense set up by the prosecution, since the injuries were found in parietal region and it is of simple in nature. Considering the said factors, the bail can be granted to the petitioner.

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

- (i) The petitioner-accused is enlarged on bail in the event of his arrest in connection with FIR No.107 of 2023 on the file of the Station House Officer, Echoda Police Station, Adilabad District on his executing a 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 shall appear before the Station House Officer, Echoda Police Station, Adilabad District on every Sunday between 10.00 am and 05.00 pm, for a period of two (02) months.
- (iii) The petitioner-accused 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
pld/ns

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