

THE HONOURABLE SRI JUSTICE M.LAXMAN

CRIMINAL PETITION NO.5705 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 arrayed as accused in Crime No.62 of 2023 of Madgul Police Station, Rachakonda. 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 the injured and the present petitioner are the brothers. There are civil disputes with regard to land where the incident occurred. It is alleged that the ancestors of this petitioner and injured were the original owners. The injured party was out of village for some time and the land was in possession of the present petitioner and he got a wrong mutation and enjoying the property. On knowing the ploughing of land, when the injured went to spot, the accused allegedly with an intention to kill drove

the tractor and hit the injured resulting the injured sustained injuries.

3. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent - State.

4. As seen from the complaint, the petitioner allegedly in possession of the land claiming exclusively. It is also alleged that mutations were also obtained. The land is not standing in the name of injured. Still the injured is asserting his right over the property. It appears that the injured went against the tractor to prevent the ploughing of the land. If really the petitioner had an intention to kill the injured, he would have drove his tractor on the body of the injured after he fell down initially after hit with the tractor. This is one of the circumstance cannot be ignored. Considering the above factors, it is a fit case to grant bail to the petitioner - accused.

5. 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.62 of 2023 on the file of the Station House Officer, Madgul Police Station, Rachakonda on his executing a personal bond for a sum of Rs.20,000/- (Rupees Twenty 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, Bahadurpura Police Station, Hyderabad 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: 04.07.2023
pld/ns

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