

THE HONOURABLE SRI JUSTICE M.LAXMAN

CRIMINAL PETITION NO.5734 OF 2023

ORDER:

1. This petition is filed under Section 438 of Criminal Procedure Code, 1973 (Cr.P.C) seeking anticipatory bail to the petitioners, who are arrayed as accused Nos.1 and 2 in Crime No.39 of 2023 of Mungode Police Station, Nalgonda District. The offences alleged against the petitioners are under Sections 307 and 504 read with Section 34 of the Indian Penal Code.

2. The sum and substance of case of the prosecution is that there was a dispute occurred in between the injured and accused No.2 initially with regard to laying of concrete road in front of their houses and in which it is alleged that the victim/injured allegedly attacked on accused No.2. After subsiding the incident, when the injured was proceeding to the cattle shed, accused Nos.1 to 3 by holding sticks and axe allegedly attacked on the victim causing head injury and other injuries.

3. The contention of the learned counsel for the petitioners is that there was free fight in between two groups and both the groups are injured and there is no specific allegation against each of the petitioners.

4. Learned Additional Public Prosecutor opposed the bail application.

5. The case and counter cases are registered. In the complaint lodged by the present petitioners initially attack was made by victim on accused No.2. Subsequently when the petitioner was proceeding to cattle shed, accused No.1 along with others allegedly attacked on the victim. Absence of such attack initially from accused No.2 and considering his age, the request of accused No.2 can be considered. However, Accused No.1 added the further dispute and there is grievous injury on the head. In the said circumstances, the request of accused No.1 cannot be considered.

6. Accordingly, the Criminal Petition is partly allowed and the petitioner - accused No.2 is granted bail on the following terms and conditions:

- (i) The petitioner-accused No.2 is enlarged on bail in the event of his arrest in connection with FIR No.39 of 2023 on the file of the Station House Officer, Mungode Police Station, Nalgonda 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 No.2 shall appear before the Station House Officer, Mungode Police Station, Nalgonda District on every Sunday between 10.00 am and 05.00 pm, for a period of two (02) months.
- (iii) The petitioner-accused No.2 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.

7. So far as petitioner - Accused No.1 is concerned, the criminal petition is dismissed.

JUSTICE M. LAXMAN

Date: 05.07.2023
pld/ns

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