

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No.6492 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 to 5 in Crime No.83 of 2023 of Aize Police Station, Jogulamba Gadwal District. The offences alleged against the petitioners are under Sections 326 and 341 read with Section 34 of the Indian Penal Code.

2. Briefly, the case of the prosecution is that when the injured allegedly intended to lay a power line to his field from the land of the petitioners, they obstructed for laying of power line. Keeping the above issue in mind, when the injured was at his house, the petitioners went to his house with sticks and allegedly beat him. Accused No.1 allegedly beat the injured with stick on his shoulder and other accused Nos.2 to 5 beat him with hands. As a result, the injured suffered simple and grievous injury.

3. Heard learned counsel for the petitioners - accused Nos.1 to 5 and learned Additional Public Prosecutor for the respondent - State.

4. The allegation shows that it is accused No.1 who beat the injured with stick and other accused Nos.2 to 5 beat the injured with hands only. The grievous injury was result of use of stick only. There is no specific overt act of beating by other accused Nos.2 to 5. In the said background, the request of petitioners - accused Nos.2 to 5 can be considered.

5. Since accused No.1 inflicted grievous injury, it is not a fit case to grant anticipatory bail to petitioner - accused No.1.

6. Accordingly, the Criminal Petition is partly allowed and petitioners-accused Nos.2 to 5 shall be released on bail on the following terms and conditions:

- (i) The petitioners-accused Nos.2 to 5 are enlarged on bail in the event of their arrest in connection with FIR No.83 of 2023 on the file of the Station House Officer, Aize Police Station, Jogulamba Gadwal District, on their executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two

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

- (ii) The petitioners-accused Nos.2 to 5 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: 25.07.2023
ns

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION NO.6492 OF 2023
Date: 25.07.2023

ns