

**THE HONOURABLE SRI JUSTICE K.SURENDER**

**CRIMINAL PETITION No.6786 of 2023**

**O R D E R:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (Cr.P.C.) seeking anticipatory bail to the petitioners, who are arrayed as accused Nos.2 and 4 in the event of their arrest in Crime No.27 of 2023 on the file of Station House Officer, Dasturabad Police Station, Nirmal District. The offences alleged against the petitioners are under Sections 307 and 324 read with Section 34 of the Indian Penal Code.

2. Heard learned counsel for petitioners - accused Nos.2 and 4 and learned Additional Public Prosecutor for respondent-State. Perused the record.

3. The case of the prosecution is that the petitioners and *de facto* complainant are relatives. The differences arose between them regarding a piece of land and a panchayath was held with respect to the disputes between the petitioners and the *de facto* complainant. However, on 03.07.2023 the petitioners and two others have intentionally quarreled with the *de facto* complainant's mother and father and they all beat the father of the *de facto* complainant with a stick.

4. Learned Additional Public Prosecutor opposed the bail application by contending that the injured is still in hospital and he is being treated.

5. On perusal of the material on record, since there are no specific overt acts attributed to 2<sup>nd</sup> petitioner - accused No.4 who is a lady, this Court deems it appropriate to grant the relief of anticipatory bail to 2<sup>nd</sup> petitioner - accused No.4. However, the petition for the relief of anticipatory bail to 1<sup>st</sup> petitioner - accused No.2 is dismissed.

6. Accordingly, the Criminal Petition is partly allowed and 2<sup>nd</sup> petitioner - accused No.4 shall be enlarged on bail in the event of her arrest subject to the following conditions:

i) The 2<sup>nd</sup> petitioner - accused No.4 is directed to surrender before the Station House Officer, Dasturabad Police Station, Nirmal District on 07.08.2023, and upon such surrender, she shall be enlarged on bail on her executing 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) On such release, 2<sup>nd</sup> petitioner - accused No.4 shall appear before the investigating authorities as and when required for the purpose of investigation.

iii) The 2<sup>nd</sup> petitioner - accused No.4 shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.

Miscellaneous applications, if any pending shall stand closed.

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JUSTICE K.SURENDER

Date: 01.08.2023  
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