

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.8818 of 2023

ORDER:

1. This Criminal Petition is filed under Section 438 of Cr.P.C. by the petitioner/Accused seeking bail in the event of his arrest in connection with Crime No.50 of 2023 on the file of Nirmal Rural Police Station, Nirmal District, registered for the offence under Section 302 r/w. 34 of IPC.
2. Heard learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent-State and perused the record.
3. Initially, the case was registered for the offence under Section 302 r/w. 34 of IPC against four persons on the basis of the complaint lodged by the deceased father. It is alleged in the complaint that the deceased was grazing goats near the field, the petitioner asked the deceased to keep his tractor aside. while driving the tractor, the deceased caused accident, for which reason this petitioner and three others allegedly beat the deceased and hanged him to a tree. Later, having investigated into the case, the Police found that the allegation of murder was incorrect and in fact, there was no involvement of A-2 to A-4. On the day of the incident, the deceased drove the tractor and caused accident,

for which reason he received injuries, then the petitioner abused him saying that he has killed the lamb, though he did not know the driving and asked him to go and die. There is no allegation that this petitioner had assaulted the deceased physically and caused any injuries. Even according to the Police, the injuries were received when caused accident of the Tractor.

4. In the said circumstances of the present case, the relief of anticipatory bail can be granted to the petitioner, subject to the following conditions:

- 1) The petitioner/Accused is directed to surrender before the Station House Officer, Nirmal Rural Police Station, Nirmal District, on 22.09.2023. On such surrender, the said Station House Officer shall release the petitioner on bail, on his executing personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties for a like sum each to his satisfaction.
- 2) On such release, petitioner/Accused shall appear before the concerned Station House Officer at 10.00 A.M on Monday for a period of eight weeks, for the purpose of investigation and thereafter, as and when required.
- 3) The petitioner/Accused 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.

5. Accordingly, this Criminal Petition is allowed. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

Date : 19.09.2023
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K.SURENDER, J

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CRIMINAL PETITION No.8818 of 2023
Dt.19.09.2023

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