

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.672 OF 2024

ORDER:

1. This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner/A1 in Crime No.344 of 2023 on the file of Mavala Police Station, Adilabad District. The offences alleged against the petitioner are under Sections 307 and 109 r/w.34 of the Indian Penal Code.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State and perused the record.

3. The Mavala Police registered the FIR for an attempt to murder on 18.12.2023 against this petitioner and others, on the basis of a complaint filed by the father of the injured. In the written complaint dated 18.12.2023, the defacto complainant stated that one four wheeler Commander vehicle without number plate hit the two wheeler Activa vehicle on which the son of defacto complainant was travelling. He was taken to the Hospital. The injured informed that he was in love with the daughter of this petitioner and previously, this petitioner had threatened the injured that he would

be beaten to death. He suspected that this petitioner, his family members and other followers had planned to cause death of his son in the form of an accident.

4. The Police during the course of investigation found that this petitioner and his wife who was arrayed as Accused No.2 planned to get rid of the victim, conspired and engaged A3 and A4 to kill the victim. Accordingly, A4 secured Commander jeep of A6. A3 and A4 followed the victim in Commander jeep and hit the Activa vehicle from the rear side. The victim lost control and hit an electric pole.

5. During the course of investigation, the Police arrested A3 to A7. This court granted the relief of Anticipatory bail to A2.

6. Learned Counsel appearing for the petitioner would submit that accused who were allegedly present at the scene and caused the accident, were released on bail. Apparently, it was an accident and the allegation of trying to kill the victim is on account of an alleged confession and suspicion. Such suspicion cannot form basis to criminally prosecute the petitioner. Since the persons who allegedly caused the accident were already released on bail, the petitioner is entitled to be released on bail.

7. On the other hand, learned counsel appearing on behalf of defacto complainant would submit that this is a case of honour killing, however, the victim did not die. Since the victim belonged to SC community, this petitioner and others have conspired to kill him. The counsel relied on the Judgment of Honourable Supreme Court in ***Shakti Vahini v. Union of India***¹ wherein the Hon'ble Supreme Court framed guidelines in the cases of honour crimes. The Hon'ble Supreme Court found that honour crime is the genus and honour killing is species. Such acts of honour killing put the rule of law in catastrophic crisis and such acts cannot be tolerated.

8. Admittedly, the victim received injuries on account of an accident. It is not the case of the prosecution that having hit the vehicle from the rear side, either the driver or any of the inmates of the commander vehicle had got down and gone to the victim to ascertain whether he was dead or ascertain his condition. After committing the accident, the driver of the vehicle drove away.

9. From the facts, the possibility and probability of a hit and run case cannot be ruled out as argued by the learned counsel for the petitioner. The involvement of this petitioner is on account of

¹ AIR 2018 Supreme Court 1601

suspicion and all the other accused are on bail, including the accused who were in the vehicle.

10. In the said circumstances, this Court deems it appropriate to grant the relief of regular bail to the petitioner, subject to following conditions:-

- i) The petitioner/Accused No.1 shall execute personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties, for a like sum each to the satisfaction of Special Judicial First Class Magistrate (PCR), Adilabad.
- ii) The petitioner/Accused No.1 after release shall appear before the concerned Station House Officer on every Monday and Wednesday at 10:00 a.m. for a period of four weeks and thereafter, as and when required, for the purpose of investigation.
- iii) The petitioner/Accused No.1 shall abide by the other conditions stipulated under Section 437(3) of Cr.P.C.

11. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

Date : 31.01.2024
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K.SURENDER, J

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Dt.31.01.2024

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