

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.1074 OF 2024

ORDER:

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/Accused in Crime No.12 of 2024 on the file of Station House Officer, Dharoor Police Station, Jogulamba Gadwal District, registered for the offence punishable under Section 307 of Indian Penal Code.

2. The case of the prosecution in brief was that on 16.01.2024 at about 02:00 PM, the *de facto* complainant lodged a report before the police stating that at about 12:00 hours while he stood at Revulapally chowrasta, meantime, the petitioner/accused came to him under influence of alcohol and abused him for testifying against him in SC/ST case and punched him. On that the complainant lodged a petition at Dharoor Police Station. At about 12:30 hours when the *de facto* complainant along with one Gattu Nagaraju sat on the culvert at Ambedkar chowrasta with their bike, then the petitioner/accused came from the guest house side road by a tractor and on seeing them, the petitioner/accused moved his tractor over them, with an intention to kill them with the tractor. The complainant escaped

but Gattu Nagaraju sustained injury on his right leg after the tractor tyre touched him. The complainant lodged the report stating the number of the tractor and the name of the petitioner/accused. The complainant also stated that his bike was damaged in the said incident.

3. Basing on the said report the police of Dharoor police station registered a case in Cr.No.12 of 2024 for the offence punishable under Section 307 of Indian Penal Code and arrested the petitioner/accused on 17.01.2024.

4. Heard learned counsel for the petitioner/Accused and learned Additional Public Prosecutor for the respondent-State.

5. Learned counsel for the petitioner submitted that in fact the complainant was the person who attacked the accused person with stones while he was travelling on the tractor, on which the investigating officer had registered a case in Cr.No.13 of 2024. The present case was filed by the complainant as a counter blast case registered against him. No injuries were sustained by the complainant or any of the persons in the alleged incident and prayed to enlarge the petitioner/accused on bail.

6. Learned Additional Public Prosecutor opposed grant of bail to the petitioner, stating that the present petitioner was involved in Cr.No.159 of 2023 which was registered for the offences punishable under Sections 323, 504, 506 read with 34 of Indian Penal Code, Section 3(1)(r)(s), 3(2) (va) of SC/ST POA Act and the *de facto* complainant in this case was shown as a witness in the said case and the present petitioner attacked the *de facto* complainant with an intention to kill him and in the said incident, the L.W.2/G.Nagaraju sustained injuries and prayed to dismiss the bail application filed by the petitioner.

7. Perused the record. As the record would disclose that case and counter cases were registered against each other i.e., the complainant and petitioner/accused herein and the injuries stated to have been sustained by LW.3 were only grazed abrasions and the counter case was registered for the offences punishable under Sections 341, 324 read with 34 of IPC which were bailable in nature and it was reported that notice under Section 41-A Cr.P.C was issued to the accused persons therein in the said case and a non-bailable case under Section 307 of Indian Penal Code was registered against the petitioner-accused herein and he is in custody since 17.01.2024, it is considered fit to enlarge the petitioner/accused on bail on certain conditions:

8. Accordingly, the Criminal Petition is allowed and the petitioner/accused shall be released on bail subject to the following conditions:

- i) The petitioner/Accused shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties for a like sum each to the satisfaction of the learned I Additional District and Sessions Judge at Gadwal, Jogulamba Gadwal District.
- ii) The petitioner/accused shall not approach the *de facto* complainant or the injured in this case or the witnesses in Cr.No.159 of 2023 and if any reports are received against him for inducing or threatening the witnesses, the bail granted to him is liable to be cancelled.
- iii) The petitioner shall follow the conditions stipulated in Section 437(3) of Cr.P.C.

9. Miscellaneous applications, pending if any, shall stand closed.

Dr. G.RADHA RANI, J

Date: 12.02.2024
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