

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.1570 of 2024

ORDER:

This Criminal Petition is filed by the petitioners / A1 to A7 under Section 438 of Code of Criminal Procedure (for short “Cr.P.C.”) for grant of anticipatory bail in the event of their arrest in Crime No.476 of 2023 on the file of the Station House Officer (for short “S.H.O.”) of PS Armoor, registered for the offences under Sections 307, 447 and 448 read with Section 34 of IPC.

2. The case of the prosecution in brief was that on 07.10.2023 at 15:00 hours, the de-facto complainant lodged a report stating that she was having agricultural lands to an extent of Ac.3-22gts. in different survey numbers in the outskirts of Chepoor Village and her sister was also having agricultural lands admeasuring Ac-2.09gts. in various survey numbers in the said village and her senior paternal uncle (Ex.ZPTC) and his sons, the petitioners herein altogether with an intention to grab her land illegally, trespassed into her land one year ago and threatened her with dire consequences to kill her alleging that the said land belonged to them and warned her not to enter into the land. On 02.07.2023 evening at about 16:00 hours when she along with her mother went to their agricultural lands at Chepoor Village, the above said 7 persons along with

another villager by name Minugu Raju picked up quarrel with them and attacked her with beer bottles and bricks with an intention to kill her, due to which she sustained injuries on her face, hands, forehead, chest, etc. However, she escaped from them and went to Armoor Hospital and got treatment. After that, she went to Police Station and filed complaint on them. Two months ago, she along with her mother went to her house at Chepoor Village. The above said persons altogether again came to their house picked up quarrel with them and attacked them with sticks and rods and tried to kill them. As a result, her mother sustained injuries to her thighs, right shoulder and right hand. They threatened to kill them, if they would file a case against them. Later on 07.10.2023, while they were going to their agriculture land, the above persons came there and tried to beat them saying that inspite of warning, they were still coming to the land and by saying so tried to kill them. As such, they escaped and lodged the report.

3. Basing on the said report, the above crime was registered for the above offences.

4. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent – State.

5. Learned counsel for the petitioners submitted that neither the de-facto complainant nor her mother had any land at Chepoor Village and they were

fabricating false stories against the petitioners. The petitioners never beat the de-facto complainant nor her mother at any point of time. No cases were registered against the petitioners earlier. The petitioners were ready to co-operate with the Police and prayed to enlarge the petitioners on anticipatory bail.

6. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioners stating that as per the report given by the de-facto complainant, the petitioners attempted to kill the de-facto complainant and her mother.

7. Perused the record.

8. As the record would disclose that no cases were filed by the de-facto complainant earlier against the petitioners herein though she stated about the several incidents on earlier occasions on 02.07.2023 and about one year ago, and with regard to the present incident, she had not given the details of the persons, who tried to kill them or the weapons they were holding, as such, it is considered fit to grant anticipatory bail to the petitioners.

9. In the result, the Criminal Petition is allowed and the petitioners – A1 to A7 are granted anticipatory bail, subject to the following conditions:

(i) The petitioners – A1 to A7 are directed to surrender before the Station House Officer, Armoor Police Station within a period of two (02) weeks from the date of this order, and on such surrender, the Station House Officer, Armoor Police Station shall release the petitioners on bail on their executing a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties for a like sum each to the satisfaction of said Station House Officer.

(ii) The petitioners – A1 & A7 shall comply with the conditions stipulated under Section 438(2) of Cr.P.C. and shall appear before the Investigating Officer as and when directed by him and shall co-operate with the Investigating Officer in investigation of the case.

(iii) The petitioners – A1 to A7 should not influence or threaten the witnesses in any manner.

As a sequel, miscellaneous applications in this petition if any shall stand closed.

Dr. G.RADHA RANI, J

**Date: 13th February, 2024
Nsk.**