

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.1564 of 2024

ORDER:

This Criminal Petition is filed by the petitioners / A1 & A2 under Section 438 of Code of Criminal Procedure (for short “Cr.P.C.”) to enlarge them on anticipatory bail in the event of their arrest in connection with Crime No.167 of 2023 of PS Chennaraopet, Warangal, registered for the offence under Section 324 read with Section 34 of IPC, which was later altered to Section 326 read with Section 34 of IPC.

2. The case of the prosecution in brief was that on 18.08.2023 at 04:00 PM, the de-facto complainant lodged a report in the Police Station stating that while he was trying to stop the tractor which encroached into his land, his maternal uncle and one Perika Raju beat him with an iron rod on his right shoulder due to which he sustained a fracture injury. He made an application before the Revenue Divisional Officer (for short “RDO”) under RTI Act concerning the land issue and further contended that the accused – A1 was encroaching into others lands and was creating problems to the villagers.

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

4. Heard the learned counsel for the petitioners – A1 and A2 and the learned Additional Public Prosecutor for the respondent – State.

5. Learned counsel for the petitioners submitted that the petitioner No.1 was the owner of the land, while he was trying to plough the land with a tractor, the de-facto complainant came with an axe and threatened the petitioners from proceeding with ploughing the land. The petitioners asked the de-facto complainant not to interfere with ploughing the land, but he did not listen to the petitioners and obstructed the tractor resulting which a small injury was caused to his shoulder. He further contended that the de-facto complainant himself was the aggressor. The dispute between the parties was resolved by the elders of the village, but the de-facto complainant was not heeding to the resolution of the elders and was obstructing the petitioners in cultivating their own land and prayed to enlarge the petitioners on anticipatory bail.

6. The learned Additional Public Prosecutor submitted that the victim sustained a blunt injury, which was shown as grievous by the Medical Officer. However, the victim was discharged from the hospital long back.

7. Considering the submissions of both the learned Counsel and as the incident occurred on 18.08.2023, which was long back and the report issued by the Medical Officer would also disclose that the injury sustained by the victim was only subluxation of proximal inter pharyngeal joint of left ring finger, which appeared to be not of serious nature and as the victim was reported to be discharged from the hospital long back and as the dispute appears to be civil in

nature, it is considered fit to enlarge the petitioners on anticipatory bail on certain conditions.

8. In the result, the Criminal Petition is allowed and the petitioners – A1 and A2 are granted anticipatory bail, subject to the following conditions:

(i) The petitioners – A1 and A2 are directed to surrender before the Station House Officer, Chennaraopet Police Station, Warangal within a period of fifteen (15) days from the date of this order, and on such surrender the Station House Officer, Chennaraopet Police Station, Warangal 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 & A2 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.

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

Dr. G.RADHA RANI, J

Date: 13th February, 2024
Nsk.