

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.2711 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner-Accused under Sections 437 & 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C.”) to enlarge him on regular bail in the event of his arrest in Crime No.42 of 2024 of Nizamabad V Town Police Station, Nizamabad District, registered for the offence punishable under Section 324 read with 34 of IPC initially, which was later altered to Section 307 read with 34 of IPC.

2. The case of the prosecution in brief was that on 18.02.2024 at 19:30 hours, the *defacto*-complainant lodged a report before the police stating that 10 days ago there was a petty dispute between his younger brother Adnan and one Sameer and Muddaseer at Hasmi Colony regarding parking issue near Masjid and his brother informed him that the local residents pacified both the parties. While so, on 18.02.2024 at 6:00 P.M., while the complainant was in Hasmi Colony, Muddaseer and Sameer along with Siddiq, Naveed armed with knives and rods chased him. He escaped from them, but as he could not be caught, they caught his younger brothers, Adnan and Haman and attacked

them with knives and rods. In the said incident, Adnan sustained bleeding injuries on his forehead, neck and shoulder and Haman sustained injuries on forehead, hands and back and the same was informed to him by one Naveed. He went there and shifted his brothers to Government Hospital, Nizamabad for treatment and then lodged the report. Basing on the said report, the above crime was registered and the accused No.1 was arrested on 21.02.2024.

3. Heard learned counsel for the petitioner/Accused No.1 and the learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that the allegation of using knives and rods was only to invoke Section 307 of IPC, admittedly the victims had not sustained any injuries on vital organs. The injuries were simple in nature and the victims were treated as out-patients. Even as per the complaint, the petitioner was not having any intention to attack the injured persons and prayed to enlarge the petitioner on bail.

5. Learned Additional Public Prosecutor contended that there were disputes between both the parties even on earlier occasions, keeping them in mind, the petitioner-accused No.1 attacked the younger

brothers of the *defacto*-complainant with knives, rods and other dangerous weapons and caused injuries to them, as such, opposed grant of bail to the petitioner.

6. Perused the record.

7. Considering that the complaint would not disclose about the earlier disputes between the parties and it was only referring to a petty issue with regard to the parking near a Masjid, which was also reported to be subsided and as it was reported that the injuries sustained by victims were not on any vital organs, but only on the forehead, neck and back and that they were treated as out-patients and were discharged on the same day and *prima-facie* it would disclose that there was no intention to kill the victims, it is considered fit to enlarge the petitioner on bail on certain conditions.

8. Accordingly, this Criminal Petition is allowed and the petitioner/Accused No.1 shall be released on regular bail subject to the following conditions:

- i) The petitioner/Accused No.1 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
II Additional Judicial First Class Magistrate at
Nizamabad.

- ii) The petitioner/Accused No.1 shall not approach
the victims or witnesses or make any efforts
either to threaten or induce them.
- iii) The petitioner/Accused No.1 shall abide by the
conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Date: 12.03.2024

ss

Dr. G.RADHA RANI, J