

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.2837 of 2024

ORDER:

This Criminal Petition is filed by the petitioner – accused under Section 437 and 439 of Code of Criminal Procedure for grant of regular bail in the event of his arrest in Crime No.87 of 2024 on the file of PS Film Nagar, Hyderabad, registered for the offences under Sections 307, 324 and 506 of IPC.

2. The case of the prosecution in brief was that on 29.01.2024 at 17:30 hours, the de-facto complainant lodged a report stating that on the same day at 13:00 hours, she along with her husband, father-in-law and brothers of her husband left from their residence at Begumpet to Film Nagar to the house of their relative by name Kuthuru Kavitha. Her younger sister-in-law by name Manjula and the husband of Manjula by name Srinu @ Dhara Singh (the present petitioner herein) were residing at Film Nagar and since some time, the husband of her younger sister-in-law Srinu @ Dhara Singh was threatening the complainant's elder sister-in-law Kavitha, Kavitha's husband and their son Karthik with dire consequences to kill them. On 27.01.2024 at 10:00 hours, the said Srinu @ Dhara Singh had beaten Karthik, the son of the complainant's sister-in-law Kavitha with hands and abused him. On that, the complainant along with her family members came to Vinayak Nagar to Kavitha's house to resolve the matter. The complainant's husband Sudhakar called Srinu @ Dhara

Singh through phone to speak about the issue and asked him to come to the residence of Kavitha. But without answering, Srinu had disconnected the call and put the number in block mode. Later, the complainant and her family members while going to the residence of Manjula to speak about the issue and when reached Viswa Bharati School, Durga Bhavani Nagar on 29.01.2024 at 16:00 hours, they found Dhara Singh on the way. On seeing the complainant and her family members, the petitioner – accused tried to attack them and abused them in filthy language. On that, the complainant's brother-in-law Prem had slapped Srinu @ Dhara Singh to stop him. Immediately, the said Dhara Singh with the available vegetable knife attacked complainant's husband Sudhakar on head. While trying to stop him, Srinu (the petitioner herein) also sustained cut injuries on his hands, whereas Sudhakar sustained bleeding injuries. The petitioner Srinu @ Dhara Singh had stabbed the brother-in-law of the complainant on his right thigh. In stopping the petitioner, the husband of the complainant by name Sudhakar and her brother-in-law Prem had beaten Srinu with sticks. The complainant stated that while taking the knife from Srinu, he also sustained injuries. After taking knife from Srinu @ Dhara Singh, he had taken another knife from a nearby chicken shop and attacked the complainant's family again. On that, the commuters had stopped him.

3. Basing on the said report, the above crime was registered and the petitioner was arrested on 20.02.2024.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

5. Learned counsel for the petitioner submitted that the petitioner admonished the son of Kavitha, by name Karthik as he found him smoking and drinking. On that Kavitha and their family raised a dispute and also informed the other relatives. As per the complaint, the complainant's husband called the accused to settle the dispute. On receiving a call from the husband of the complainant, the accused did not choose to answer the same, as he was not interested to pick up a fight or quarrel with the complainant or Kavitha's family. While the accused was traveling back to his work after having his lunch at home, the complainant's family members with a previously hatched plan attacked the petitioner and beaten him with sticks and gave several blows with fist, kicked him and stabbed on his head and other parts of the body with a vegetable knife, which they carried as per their plan. The complaint itself would disclose that the brother-in-law of the complainant by name Prem initiated the fight by slapping the accused, which would disclose the pre-planned intention in attacking the petitioner – accused to eliminate him. A case and counter case were lodged by the petitioner – accused and the de-facto complainant. The case lodged by the petitioner was registered as Crime No.88 of 2024 for the offence under Section 324 read with 34 of IPC, while the case

lodged by the de-facto complainant was registered as Crime No.87 of 2024 for the offence under Sections 307, 324 and 506 of IPC.

5.1. He further submitted that the petitioner – accused was admitted in Apollo Hospital for two days and as he was unable to pay the hospital bills, he got discharged from the said hospital on 31.01.2024 and was taking treatment with a local doctor. While the petitioner was undergoing treatment, he was forcibly taken by the Police into their custody on 20.02.2024. He was suffering with severe injuries and had not recovered from them. There was medical urgency, which required immediate necessity to continue the treatment and prayed to enlarge the petitioner on bail.

6. Learned Additional Public Prosecutor submitted that the husband and brother-in-law of the complainant also sustained serious injuries and filed the injury certificates of the victims, which would disclose that they sustained lacerated injuries on scalp and palm, which were also deep in nature. He further submitted that a case was registered against the petitioner for the offence under Section 307 of IPC and as such he is not entitled to be released on bail.

7. Perused the record and the photographs of the petitioner with injuries filed by the learned counsel for the petitioner.

8. As seen from the facts and circumstances of the case as revealed from the report lodged by the complainant, when the complainant's husband Sudhakar

called the petitioner over phone, he did not pick up their call to avoid dispute with them. While he was going on his way to work, the complainant and her family members attacked him. The petitioner was not carrying any weapon with him. It was the complainant and her family members who were carrying sticks and knives with them and initiated the quarrel by slapping the petitioner and beating him. He was alone and the complainant and her family members were five or more in number. The photographs of the petitioner would disclose that he was badly injured. The injury certificates of the victims filed by the learned Additional Public Prosecutor also would disclose that they also sustained deep lacerated wounds. Both the parties lodged case and counter case against each other. However Police registered a case under Section 307 of IPC against the petitioner and registered the counter case for the offence under Section 324 of IPC against the complainant party.

9. Considering that the petitioner has no intention to pick up a quarrel and he who was going on his way was attacked by a group of people, who were none other than his relatives, armed with weapons and during the dispute to protect himself he might have attacked them with one of the weapons carried by the complainant's party themselves, this Court is of opinion that prima facie the ingredients of Section 307 of IPC are not applicable to the petitioner.

10. As the photographs of the petitioner would disclose that he was badly injured and required treatment for his injuries, it is considered fit to enlarge him on bail.

11. In the result, the Criminal Petition is allowed directing the petitioner – accused to be released on bail on his executing a personal bond for Rs.15,000/- (Rupees Fifteen Thousand Only) with two sureties for the like sum each to the satisfaction of the XVII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad. The petitioner shall comply with all the conditions laid down under Section 437 (3) of Cr.P.C. He shall not meet the de-facto complainant or her family members during the pendency of trial and shall not cause any threatening or inducement to them.

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

Dr. G.RADHA RANI, J

**Date: 14th March, 2024
Nsk.**