

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3272 OF 2024

ORDER:

This Criminal Petition is filed under Section 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”) seeking regular bail to the petitioner-Accused in Crime No.193 of 2023 on the file of Haliya Police Station, Nalgonda District, registered for the offence punishable under Section 307 of IPC.

2. The case of the prosecution in brief was that on 01.10.2023 at 16.00 hours, the de facto complainant-victim woman lodged a report before the police, Haliya stating that on 30.09.2023 at 11.40 hours, while she along with her husband was watching Ganesh procession passing in front of the house of one Narra Peddulu, in the meanwhile, their villager Mahesh (petitioner herein) was found snatching the bike of one Yinjamoori Rahul. On seeing the same, her husband approached him and asked him as to why he was snatching the said bike. On that, said Mahesh slapped her husband and he fell down. When she intervened, Mahesh scolded her, took an iron rod and attempted to hit her on her head. When she put her right hand to prevent the hit, he beat her on her right hand with the iron rod due to which she sustained bleeding injury to her right thumb. She further stated that the petitioner indiscriminately beat her and her

husband and attempted to kill them. One Yinjamoori Suresh, Rudrakshi Yadaiah, Barapati Sandhya intervened and saved them. The petitioner fled away from the spot. Her husband took her to Nalgonda Government Hospital and got her treated. Basing on the said report, the above crime was registered.

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

3. The learned counsel for the petitioner submitted that as per the directions of this Court in Crl.P.No.10601 of 2023 dated 31.10.2023, the petitioner surrendered before the court on 21.02.2024 and filed a bail application, but the same was dismissed by the Sessions Court. He further submitted that the victim sustained simple injuries only and was treated as outpatient, and prayed to enlarge the petitioner on bail.

4. The learned Additional Public Prosecutor, on the other hand, submitted that the petitioner was involved in about 5 cases. He attacked the victims with iron rods and attempted to kill them and as such, he was not entitled for grant of bail.

5. Perused the record. Considering that though the complainant stated that she and her husband were indiscriminately beat by the

petitioner, the injury sustained by the de facto complainant was stated to be only simple in nature and as the ingredients of Section 307 IPC would not appear to be prima facie attracted to the facts of the case, it is considered fit to enlarge the petitioner on bail.

6. In the result, the Criminal Petition is allowed and the petitioner-accused is granted regular bail subject to the following conditions:

- i) The petitioner-accused is directed to be released on bail on his executing 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 Judicial Magistrate of First Class, Nidmanoor, Nalgonda District.
- 2) The petitioner-accused shall abide by the conditions stipulated under Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

March 26, 2024
KTL

Dr. G.RADHA RANI, J