

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3615 OF 2024

ORDER:

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”) seeking regular bail to the petitioner/Accused No.1 in Crime No.45 of 2024 on the file of Station House Officer, Regonda Police Station, Jayashankar Bhupalpally District, registered for the offences punishable under Sections 294(b), 324, 506 read with 34 of Indian Penal Code (for short ‘IPC’), which were subsequently altered to Sections 294(b), 324, 307 and 506 read with 34 of IPC.

2. The case of the prosecution in brief was that on 09.03.2024 while the *de facto* complainant’s mother was using the drinking water of well which was situated in front of the house of Accused Nos.1 to 3 i.e., his brother/A1, his brother’s wife/A2 and his brother’s son/A3, abused her. On 10.03.2024 at morning 05:30 hours when his wife was narrating the same to him, Accused Nos.1 to 3 abused her and beat her with sticks, A1 went inside the house, brought an Axe and beat him on his head. His brother’s son/Bharath/A3 beat his wife with an iron rod on her head. Both of them sustained bleeding injuries.

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

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

5. Learned counsel for the petitioner/A1 submitted that the provisions of Section 307 of IPC would not attract to the facts and circumstances of the present case. The alleged injuries were simple in nature. The entire investigation was completed. Except filing the charge sheet, no other investigation was pending and prayed to enlarge the petitioner on bail.

6. Learned Additional Public Prosecutor opposed grant of bail to the petitioner stating that the petitioner was involved in 03 other cases i.e.,

i). Cr.No.76 of 2003 of Regonda Police Station registered for the offences punishable under Sections 147, 148, 324, 427 read with 149 of IPC.

ii). Cr.No.82 of 2007 of Shayampet Police Station registered for the offences punishable under Section 435 of IPC.

iii). Cr.No.287 of 2018 of Parkal Police Station registered for the offences punishable under Sections 290, 323, 324 read with 34 of IPC.

Therefore, prayed to dismiss the bail application of the petitioner.

7. Learned Additional Public Prosecutor also submitted that the injuries sustained by the *de facto* complainant and his wife were simple in nature as per the wound certificate issued by the Medical Officer.

8. Perused the record.

9. Considering the submissions of the learned counsel for the petitioner and the learned Additional Public Prosecutor and the nature of injuries sustained by the victims and that if the accused persons were

having an intention to kill the victims to attract the offence under Section 307 of IPC, they would not have sustained only simple injuries and as they were treated only as outpatients and were also reported to be discharged from the hospital and that the petitioner was in custody since more than 20 days from 17.03.2024, it is considered fit to enlarge the petitioner on bail on certain conditions.

10. Accordingly, the Criminal Petition is allowed directing the petitioner/Accused No.1 to 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 Judicial First Class Magistrate, Parkala.
- ii) The petitioner/Accused No.1 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.
- iii) The petitioner/Accused No.1 shall not interfere with the witnesses in any manner. If any report was lodged against him during the pendency of trial, the bail granted is liable to be cancelled.

Miscellaneous applications, pending if any, shall stand closed.

Dr. G.RADHA RANI, J

Date: 03.04.2024
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THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3615 OF 2024

Dated:03.04.2024

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