

THE HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

CRIMINAL PETITION No.5464 of 2024

ORDER:

This petition is filed under Sections 437 and 439 of the Criminal Procedure Code by accused Nos.1, 3 and 5, for regular bail in Crime No.145 of 2024 of Khammam I Town Police Station, Khammam District, registered for the offences under Sections 294(b), 323, 324 and 506 read with Section 34 of IPC.

2. Heard learned counsel for the petitioners and the learned Assistant Public Prosecutor appearing for the respondent-State and perused the record.

3. The learned counsel for the petitioners seeks permissions of this Court to withdraw the bail application in so far as petitioner No.1-accused No.1 is concerned. Permission, as prayed for, is accorded. Hence, the petition as against the petitioner No.1-accused No.1 is dismissed as withdrawn.

4. The brief facts of the case are that the *de-facto* complainant-Nimmala Padma lodged a complaint before the Police stating that her younger son by name Nimmala Naresh-victim worked in accused No.1's Max Tailor Shop and after sometime, stopped

tailoring work and joined in a Coaching Centre at Hyderabad for Group-II competitive exams. On 10.04.2024, the victim left from the house to go to Hyderabad, but, on 14.04.2024 at evening hours, the *de-facto* complainant received a phone call from the son-victim stating that he is undergoing treatment at Government Hospital, Khammam. On that, the husband of the *de-facto* complainant and others went there and shifted the victim to Sreeraksha Hospital, Khammam for better treatment. While undergoing treatment on 17.04.2024, the victim became conscious and informed that on 10.04.2024 at 19.00 hours, when he came to RTC Bus Stand, Khammam to go to Hyderabad, the accused persons called him to come to Max Tailor Shop suspecting that he is responsible for missing of the daughter of petitioner No.1. The petitioners and other accused abused the victim in filthy language and enquired about whereabouts of the daughter of petitioner No.1. That with an intention to kill the victim, the petitioners and other accused beat him indiscriminately with available items and threatened him with dire consequences, as a result of which, he sustained severe injuries to his ribs, left leg and other parts of the body. Initially, the crime was registered under Sections 294-B, 323, 324 and 506 read with

Section 34 of IPC. However, as seen from the record, the Section of law was altered and additionally, the offence under Section 307 of IPC was added. The case of the prosecution is that the victim sustained seven injuries, out of which, five are grievous injuries and two are simple injuries and the same is evident from the wound certificate issued by Sriraksha Hospital, Khammam.

5. The learned counsel for the petitioners submitted that this is a false case and the petitioners are implicated in this case and that there is a delay of ten(10) days in lodging the complaint. He further submitted that according to the *de-facto* complainant, the alleged incident has taken place on 10.04.2024. The injured was not referred to the Government Medical Hospital, Khammam. However, they have waited for nine(9) days and then, they lodged complaint on 19.04.2024 by disrupting the facts.

6. The learned counsel for the petitioners further submitted that the Wound Certificate of a Private Hospital cannot be believed; The *de-facto* complainant and her family members have managed to get such certificate only with an intention to add Section 307 of

IPC against the petitioners and there are no specific overt acts against the petitioner Nos.3 and 5.

7. The learned Assistant Public Prosecutor submitted that apart from the eye injury, the victim suffered injuries on his left ribs and other parts of the body, thus, the offence under Section 307 of IPC is made out.

8. In the initial report lodged by the *de-facto* complainant, the allegations of grievous injuries being caused with scissors are made against petitioner No.1-accused No.1 alone. Even at the subsequent stage, the allegations are only against petitioner No.1-accused No.1 as evident from the remand case dairy.

9. Taking into consideration the allegations made against petitioner Nos.2 and 3-accused Nos. 3 and 5, *prima facie*, they cannot be connected to the offence under Section 307 of IPC. Moreover, the petitioners have been arrested on 23.04.2024 and hence, this Court is inclined to grant bail.

10. In view of the above, the Criminal Petition is allowed and the petitioner Nos.2 and 3-accused Nos.3 and 5 are directed to be enlarged on bail on their executing a personal bond for a sum of

Rs.10,000/- (Rupees Ten Thousand only) each with two sureties for a like sum each to the satisfaction of the learned I Additional Judicial Magistrate of First Class, Khammam. After release, the petitioners-accused Nos.3 and 5 shall appear before the Station House Officer, Khammam I Town Police Station, Khammam District, on 2nd and 4th Sunday of every month between 10:00 AM and 11:00 AM. Further, the petitioners shall not indulge any acts of intimidation or threats to the *de-facto* complainant, the victim and other witnesses and shall not interfere with the investigation.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

B. VIJAYSEN REDDY, J

Date: 23.05.2024

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