

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.5549 OF 2024

ORDER:

1. This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”) seeking regular bail.
2. The petitioners are accused Nos.1 and 2 in Crime No.21 of 2024 of P.S.Mudhole Police Station, within the jurisdiction of the Judicial First Class Magistrate, Bhainsa, registered for the offence punishable under Section 307 r/w 34 of Indian Penal Code.
3. I have heard Ms.Nandini Upadya, learned counsel representing Sri G.Srinivas, learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State.
4. The accusation against the petitioners is that in the backdrop of property dispute, the petitioners along with

other accused Nos.3 to 8 attacked the victims with sticks and attempted to commit murder.

5. Learned counsel for the petitioners would submit that due to property disputes, the petitioners approached this Court and obtained instructions against the respondents in a Writ petition. Admittedly, for the trespass and contravention of the orders in Writ petition by the victims herein, petitioners lodged a police report which has registered as Crime No.18 of 2022. To counter blast the same, the present police report has been foisted. Further pleaded that the injuries suffered by the petitioners are simple in nature and the weapons used are two sticks. Even the prosecution case is taken as it is as it is, the offence under Section 307 of IPC would not make out and only to harass the petitioners and in convenience with the other side, that Section has been added. However, the petitioners are senior citizens and there are no specific overt acts against them and

they are ready to co-operate with the investigation. Hence, prayed for grant of bail.

6. Learned Additional Public Prosecutor opposed bail application and would submit that the police report is disclosing involvement of the petitioners. As per the report and medical evidence, the victims suffered fracture injuries apart from some simple injuries. However, the prosecution has completed examination of six witnesses out of eight and remaining investigation is pending.

7. The submissions of learned counsel are duly considered and materials placed on record are perused.

8. Having regard to the ages of the petitioners, nature of offences alleged, stage of investigation and duration of judicial custody undergone and particularly as the material witnesses were examined, this Court is inclined to grant bail.

9. Accordingly, the petitioners/accused Nos.1 and 2 are directed to be released on bail on executing a self bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties, for a like sum each to the satisfaction of the Judicial First Class Magistrate, Bhainsa. Further, the petitioners/Accused are directed to make themselves available for interrogation as and when required by the Police. The petitioners/accused shall not interfere or intimidate the prosecution witnesses nor shall attempt to tamper with the evidence. The petitioners shall not indulge in any illegal activity while on bail. If the petitioners/accused commits any breach of the above conditions, the investigating agency/prosecution shall be at liberty to initiate proceedings for cancellation of bail. Additionally petitioners/Accused shall abide by the other conditions stipulated under Section 437(3) of Cr.P.C.

10. Accordingly, this Criminal Petition is allowed.
Miscellaneous applications, pending if any, shall stand closed.

Date: 06.06.2024
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N.TUKARAMJI, J

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Dt.06.06.2024

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