

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.5672 of 2024

ORDER:

This petition is filed under Sections 437 and 439 of the Code of Criminal Procedure, 1973 (Cr.P.C.) seeking grant of regular bail. The Petitioners are Accused Nos.1 to 3 in Crime No.128 of 2024 of Konaraopet Police Station, Rajanna Sircilla District, for the offences under Sections 307, 427 r/w.149 of IPC.

2. Heard Sri V.V.Ramana Rao, learned counsel appearing for the petitioners and Sri S. Sudarshan, learned Additional Public Prosecutor for the Respondent - State.

3. The brief account of the prosecution case is that, on 22.04.2024, in the back drop of land disputes, the petitioners/accused Nos.1 to 3 along with other accused Nos.4 to 7 attacked the family members of the *de-facto* complainant with axe, sticks and chilly powder, thereby caused bleeding injuries.

4. Learned counsel for the petitioner would submit that the present case has been foisted by the *de-facto* complainant to counter blast police complaint filed by the accused. Further, even as per the medical evidence and the prosecution story, the intention to cause death has not been reflected. Howsoever, the investigating agency has completed investigation. Hence, there is no reasonable cause for continuance of the petitioners' custody. That apart, they are ready to cooperate with the judicial process and abide by any conditions that may be imposed. In addition, the petitioner/accused No.3 is appearing for Public Service examination, which is scheduled on 09.06.2024. Therefore, by considering these aspects, prayed for grant of bail.

5. Learned Additional Public Prosecutor opposed the bail petition and submits that there are specific allegations against the petitioners/accused Nos.1 to 3 and the injury certificate of victim – LW.1 proving grievous injury in turn the intention of the petitioners.

Nonetheless, fairly submitted that the material part of the investigation has been completed.

6. The submissions of the counsel are duly considered and perused the material on record.

7. As per the pleadings placed on record, the petitioners/accused Nos.1 to 3 are in judicial custody since 22.04.2024. Having regard to the fact that the material part of the investigation is completed and the duration of judicial custody undergone by the petitioners and the other circumstances of the case, I am inclined to grant bail to the petitioners.

8. Accordingly, the present Criminal Petition is allowed on the following conditions:

- i) The petitioners/accused Nos.1 to 3 shall be released on bail, subject to each one of them executing a personal bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum each to the satisfaction of the II Additional Judicial First Class Magistrate at Sircilla.

- ii) The petitioners shall make themselves available for interrogation as and when they required by the police till filing of charge sheet.
- iii) The petitioners shall not influence or intimidate any witnesses or tamper with the evidence of the prosecution.
- iv) The petitioners shall not indulge in any offence till conclusion of trial.
- v) In case the petitioners commits breach of any of the above conditions, the bail granted by this Court is liable to be cancelled at the instance of the prosecution.

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

N. TUKARAMJI, J

Date: 04.06.2024

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