

HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION Nos.6458 AND 6866 of 2024

COMMON ORDER :

Since the petitioners in these two petitions are involved in one crime, both the petitions are heard together and are disposed of by this common order.

2. Petitioners/accused Nos.1 to 3 have filed these petitions under Section 438 of Cr.P.C. seeking anticipatory bail in Cr.No.185 of 2024 of P.S. Nirmal Town, registered for the offences under Sections 307, 448, 427, 294(b), 324 r/w of IPC.

3. Heard Sri C.Pratap Reddy, learned Senior Counsel appearing for Sri K.Pradeep Reddy, learned counsel for petitioners and the learned Additional Public Prosecutor appearing for the respondent-State.

4. The case of the prosecution is that one Sofi Mohammed Abdul Raseed filed a complaint on 28.04.2024 stating that on 28.04.2024, the petitioners/accused Nos.1 to 3 and others criminally trespassed into his tin shed and abused him in filthy language, damaged the tin shed and attempted to commit murder on his son, namely, Wahed by

beating with iron rod and knuckle punch, as a result, his son sustained bleeding injuries on his face and body.

5. Learned counsel for petitioner has submitted that the de facto complainant has been interfering into property of Dargha in order to usurp it by hook or crook, and as such, there arose several issues between the de facto complainant and the petitioners' family since long time and as a result, the de facto complainant has developed grudge against the family of the petitioners and when the de facto complainant, along with others, have interfered with the Dargha property, the father of petitioners was constrained to file a suit in O.S.No.82 of 1981 against the de facto complainant and two others on the file of District Munsiff at Nirmal for the relief of perpetual injunction and the same was decreed in favour of the petitioners' father, and thus, the property continued to be in physical possession of Dargha.

6. Learned counsel for petitioners further contended that on another occasion, when the de facto complainant has used filthy language, committed physical assault and damaged his car, the petitioner No.1 lodged two separate complaints on different dates within a span of three months before PS Nirmal (Town) vide

Cr.No.75 of 2021 and the same was under investigation. It is further contended that in spite of the said complaints, the de facto complainant did not stop from interfering with the Dargha property and the Police on several times, refused to take cognizance of such frivolous complaint, thereby the de facto complainant filed W.P.No.2669 of 2021 before this Court against the Police for not registering his complaints. Apart from that, the de facto complainant has filed a civil suit in O.S.No.103 of 2022 on the file of Prl. Junior Civil Judge at Nirmal against petitioner No.1 and others, and in turn, petitioner No.1 preferred CRP No.3678 of 2023 before this Court, wherein, this Court was pleased to grant stay of all proceedings on 15.12.2023, in O.S.No.103 of 2022, as such, in order to harass the petitioners, the present complaint is filed and hence, he prayed to allow the petition.

7. In support of his case, the learned counsel for petitioners has relied on the judgment of Hon'ble Supreme Court in **Siddharam Satlingappa Mhetre v. State of Maharashtra and others**¹, wherein, it is held that in cases where court is of considered view that accused has joined investigation and he is fully cooperating with the investigating agency and is not likely to abscond, in that event,

¹ (2011) 1 Supreme Court Cases 694

custodial interrogation should be avoided, and anticipatory, bail should be granted, which after hearing Public Prosecutor, should ordinarily be continued till end of trial.

8. The learned Additional Public Prosecutor opposed the application stating that the investigation is in progress, hence, it is not a fit case for granting anticipatory bail.

9. On perusal of the remand case diary, it appears that there are civil disputes between the complainant's family and the petitioners herein regarding Dharga property. Further, criminal cases were also registered against the de facto complainant herein on the complaints made by the petitioners herein. In the said circumstances and in view of the aforesaid judgment relied on by the learned counsel for petitioners, this Court is of the considered view that the petitioners can be granted anticipatory bail subject to the following conditions:

- i. **The petitioners/accused Nos.1 to 3 shall surrender before the Station House Officer, P.S. Nirmal Town, within two weeks from today, and on such surrender, the said Station House Officer shall release the petitioners on bail on executing a personal bond for Rs.20,000/- with two sureties, for the like sum each.**

- ii. The petitioners shall appear before the SHO concerned on every Sunday between 10.00 a.m. and 5.00 p.m., for a period of eight (08) weeks.
- iii. The petitioners shall abide by the other conditions stipulated in Section 438(2) Cr.P.C and co-operate with the Investigating Officer in investigating the case.

Petition is accordingly allowed.

JUVVADI SRIDEVI, J

Date: 15.07.2024
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