

HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION Nos.7395 AND 7558 of 2024

COMMON ORDER :

Since the petitioners in both these petitions are seeking bail in the same crime, both these petitions are heard together and are disposed of by this common order.

2. Petitioners/accused Nos.4 and 5 have filed these petitions under Sections 437 and 439 of Cr.P.C. seeking 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 34 of IPC.

3. Heard learned counsel for petitioners/accused Nos.4 and 5 and the learned Additional Public Prosecutor appearing for the respondent-State and perused the record.

4. The case of the prosecution is that on 28.04.2024 at 02.30 hours, the petitioners, along with accused Nos.1 to 3 attempted to kill LW-2/Wahed Pasha by beating him with an iron rod and sticks. They also trespassed into the tin shed, damaged the same and also damaged the fridge and other electrical articles and they also abused the complainant's son in filthy language.

5. Learned counsel for petitioners/accused Nos.4 and 5 has submitted that a false case has been foisted against the petitioners and that they have not committed any offences as alleged and they are no way concerned with the disputes between the complainant and his son and accused Nos.1 to 3. It is stated that the petitioners are devotees and the petitioner/accused No.4 is in judicial custody since 06.06.2024 and petitioner/accused No.5 is in judicial custody since 11.06.2024 and most part of the investigation has been completed and hence, prays to allow the petition.

6. The learned Additional Public Prosecutor opposed the application stating that the investigation is in progress, hence, it is not a fit case to grant bail.

7. A perusal of the material placed on record discloses that in the complaint filed by the de facto complainant, who is the father of injured, the names of petitioners/accused Nos.4 and 5 were not mentioned. Further, the record discloses that there are civil disputes between the complainant and his son on one side and accused Nos.1 to 3 on the other side. In the said circumstances, this Court is of the considered opinion that the petitioners can be granted bail subject to the following conditions:

- i. The petitioners/accused Nos.4 and 5 shall be released on bail on their executing a personal bond for Rs.20,000/- with two sureties, for the like sum each to the satisfaction of Additional Judicial Magistrate of First Class at Nirmal.
- ii. The petitioners shall abide by the other conditions stipulated in Section 437(3) Cr.P.C.

Petition is accordingly allowed.

JUVVADI SRIDEVI, J

Date: 15.07.2024
Ksk