

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.13200 of 2024

ORDER :

Petitioners/accused Nos.1 and 16 have filed this petition under Sections 480 and 483 of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNSS') seeking regular bail in Crime No.71 of 2024 of P.S. Utkoor, Narayanpet, registered for the offences under Sections 147, 148, 302, 447, 324, 341 and 504 r/w. 149 of Indian Penal Code (for short 'IPC').

2. Heard Sri. N.Ravi Kumar, learned counsel appearing for petitioners and Mr. Syed Yasar Manoon, learned Additional Public Prosecutor appearing for the respondent-State and perused the record.

3. The case of the prosecution is that on 13.06.2024, on the instructions of petitioner/accused No.1, accused Nos.4 to 15 and petitioner/accused No.16 have attacked the deceased and his family members with sticks and stones, keeping in mind land disputes between them. During the said quarrel, the deceased was severely injured and he died on 13.06.2024, while undergoing treatment.

4. Learned counsel for the petitioners would submit that on the alleged day of incident i.e., on 13.06.2024, the deceased and his family members have attacked the petitioner No.1/accused No.1, due to which, he suffered severe injuries on his head and right hand. There are family disputes between the parties with regard to agricultural land and in respect of the very same incident, case and counter cases are filed. He further submitted that except the allegation of petitioner No.1/accused No.1 instigating other accused in the crime to attack the deceased and his family members, no specific overt acts are attributed to him in the commission of offence. Though the petitioner No.2/accused No.16 is in no way concerned with the alleged offences, merely being the wife of petitioner No.1/accused No.1, she was falsely implicated in the case. He further submitted that in similar circumstances, other accused in the crime were already released on bail by this Court. Hence, prayed to grant bail to the petitioners.

5. The learned Additional Public Prosecutor opposed grant of bail to the petitioners stating that the offence under Section 302 of IPC is a grave offence and that specific allegations are levelled against the petitioners/accused Nos.1 and 16.

6. Having heard both the learned counsel and perused the material on record, it is apparent that there are family disputes between the parties with regard to the agricultural land and case and counter cases are filed with regard to the very same incident and other accused in the crime were already released on bail by this Court. In the said circumstances, this Court is inclined to grant bail to the petitioners/accused Nos.1 and 16 subject to the following conditions:

- i) The petitioners/accused Nos.1 and 16 are directed to be released on bail on each of them executing a personal 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 learned Additional Judicial Magistrate of First Class, Narayanpet.
- ii) The petitioners/accused Nos.1 and 16 shall abide by the conditions stipulated under Section 480 (3) of BNSS.

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

K. SUJANA, J

Date: 12.11.2024
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