

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.15832 of 2024

ORDER:

Seeking the Court to enlarge the petitioners who are arrayed as accused Nos.1 and 2 in FIR.No.200 of 2024 of the Madgul Police Station, Rachakonda, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 10/12/2024, at 08:30 hours, Sri Goura Srishailam, a 36-year-old farmer from Arkapally village, Madgul Mandal, Ranga Reddy district, lodged a complaint with the police stating that he had been involved in a long-standing dispute with his neighbors, Banda Beeraiah/petitioner No.1, and his son Banda Raju/petitioner No.2, who had been threatening him and his family members for the past three years. The dispute escalated on 10/12/2024, when petitioners began leveling the soil that Srishailam had poured next to his compound wall three days earlier, leading to a heated argument, and eventually, petitioner NO.1 attacked Srishailam with an axe, causing a serious bleeding injury, while petitioner No.2 threatened and

assaulted him. The incident was eventually broken up by Srishailam's mother, wife, and a villager, but not before petitioner No.2 stopped them on the way to the hospital and threatened them with dire consequences. Basing on the said complaint, the Police registered a case in Crime No.200 of 2024 for the offences punishable under Section 109, 352, 351(2) read with Section 3(5) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

3. Heard Sri U. Jagan, learned counsel for petitioners, and Sri Syed Yasar Manoon, learned Additional Public Prosecutor appearing on behalf of the respondent-State.

4. Learned counsel for the petitioners submitted that the complaint is manifestly frivolous, vexatious, and instituted with an ulterior motive of wreaking vengeance, and contended that it was the *de-facto* complainant who had previously attacked the wife of Petitioner No. 1, with a huge stone causing her grievous hurt, and that this incident was immediately reported to the police at Madgul Police Station. He lamented that the actions of *de-facto* complainant were a counterblast to this incident and an attempt to settle personal

scores and grudges against the petitioners and their family members. He asserted that the prosecution's case hinges on the statements of interested witnesses, namely, the mother and wife of the *de-facto* complainant, and that there is no *prima facie* case against them. He averred that the ingredients of Section 109 of the B.N.S. (Attempt to Murder) are not fulfilled, as there was no intention to commit murder, and the alleged injuries were not serious enough to cause death. He incessantly contended that the allegedly used axe in the attack was not found at the scene of the offence or anywhere else, and that the version of *de-facto* complainant is concocted and fabricated. Therefore, he prayed the Court to grant bail to the petitioners by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioners stating that investigation is not yet completed and the injuries certificate is also not received yet, as such, the question of granting bail to the petitioners, at this stage, does not arise. Therefore, prayed the Court to dismiss the criminal petition.

6. Having regard to the rival submissions made and on going through the material placed on record, it is noted that the petitioner No.1 had allegedly attacked the injured with an axe due to which the injured sustained serious bleeding injuries, and the allegation leveled against the petitioner No.2 is that he threatened the injured with dire consequences. At this juncture, it is pertinent to note that the petitioners are in jail from 21.12.2024 and the material part of the investigation is already completed, as such, this Court deems it fit to grant bail to the petitioners subject to the following conditions:

- i. The petitioners shall execute 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 Additional Judicial Magistrate of First Class, at Amangal.
- ii. The petitioners shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8) weeks, for the purpose of investigation, and thereafter, as and when required.

- iii. The petitioners shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 06.01.2025
PT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.15832 of 2024

DATE: 06.01.2025

PT