

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.4664 of 2021

ORDER:-

This petition is filed under Section 438 of Code of the Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking pre-arrest bail to the petitioners/Accused 1 and 2 in the event of their arrest in connection with Crime No.269 of 2021 of Tadipatri Rural Police Station, Anantapur District for the offence punishable under Section 307 r/w 34 of IPC.

2. A report was lodged by the de facto complainant stating that on 25.06.2021 one Chedulla Ramajula Reddy and his elder brother/A-2 are altercating with each other at their garden and in the meanwhile the complainant reached to them and stated that they are own brothers, why they are altercating about Rastha and chastised only A-2. On that, A-2 questioned the complainant, picked up quarrel with him. Then, A-1 supported A-2 and asked him to kill the complainant. Then A-2 hacked with sickle on the complainant and one R.Janardhan Reddy and C.Ashok Reddy who were present there caught hold of complainant and dragged aside and saved him. Again A-2 hacked on the complainant on his back and caused bleeding injury. A-1 pick up a stone and beat the complainant on his right ribs and caused contusion. In the meanwhile, the son of complainant came and rescued him and took him to Government Hospital, Tadipatri for treatment. Basing on the said complaint, the present crime is registered and the petitioners are arrayed as accused 1 and 2.

3. Heard Sri N.Chandra Sekhar Reddy, learned counsel for the petitioners and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for petitioners submits that though the petitioners are unconnected with the alleged offence, they have been implicated in this case. He submits that Section 307 of IPC has no application to the facts of the case. As per the complaint, two brothers were altercating with each other with regard to a Rastha, the petitioner has interfered and tried to pacify the same. Further, it is not the case of the de facto complainant that the petitioners have been nurturing grudge against the complainant so as to indulge in alleged overt acts attributed to them. He filed two certificates and under RTA Act, they have obtained wound certificate and as per the same, the injuries sustained by the de facto complainant are simple in nature. Hence, their case may be considered for grant of pre-arrest bail.

5. Learned Assistant Public Prosecutor submits that investigation is pending. At this stage, petitioners are not entitled for pre-arrest bail.

6. Taking into consideration the injuries sustained by the de facto complainant which are simple in nature, and even as per the complaint, there is no motive on the part of the petitioners, this Court deems it appropriate to grant pre-arrest bail to the petitioners.

7. Accordingly, this Criminal Petition is allowed. The petitioners/ Accused 1 and 2 shall be enlarged on bail in the event of their arrest in connection with Crime No.269 of 2021 of Tadipatri Rural Police

Station, Anantapur District, on their executing self bonds for Rs.20,000/- (Rupees twenty thousand only) each with two sureties for a like sum each to the satisfaction of the Station House Officer, Tadipatri Rural Police Station, Anantapur District.

Consequently, miscellaneous applications pending, if any, shall stand closed.

LALITHA KANNEGANTI, J

Date: 24.08.2021
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THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

(Allowed)

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