

THE HON'BLE SRI JUSTICE K. SURESH REDDY

Criminal Petition No.3722 of 2023

ORDER:

A.1 &A.2 in Cr.No.115 of 2023 of Peddapuram Police Station, Kakinada District, filed the present application under Sections 437 & 439 of the Criminal Procedure Code of 1973, seeking to enlarge them on bail. The above crime was registered against the petitioners for the offences under Sections 307 and 324 read with 34 of IPC.

2. Case of the prosecution is that, on 22.04.2023 at about 5.30 p.m., both the petitioners went to the *de-facto complainant* and questioned him about making bad propaganda against them, for which he replied that he never made any such bad propaganda against the petitioners. At that juncture, an altercation took place between the petitioners and the *de-facto complainant*. Then both the accused inflicted injuries with broken beer bottles lying on the spot. The *de-facto complainant* received seven injuries on his body. According to the wound certificate issued by the Medical Officer, Community Health Centre, Peddapuram, out of seven injuries, first injury is bone deep cut injury over left wrist, second injury is muscle deep cut injury over left shoulder and the injuries 3 to 7 are concerned, they are skin deep injuries over upper back, lower back, neck and upper chest.

3. Heard both sides and perused the record.

4. It is contended by the learned counsel for the petitioners that all the injuries received by the *de-facto complainant* are either superficial or simple in nature and the doctor, though in his wound certificate has stated that the injuries are grievous in nature, but the description of the injuries would disclose that they are only simple in nature. Further, it is contended by the learned counsel for the petitioners that the *de-facto complainant* was discharged from the hospital on the same day. It is also contended by the learned counsel for the petitioners that the petitioners are in judicial custody from 24.04.2023 and as such, the learned counsel for the petitioners requested to enlarge the petitioners on bail.

5. On the other hand, learned Assistant Public Prosecutor opposed the bail application stating that the petitioners involved in some other crimes and rowdy sheets were also opened against them.

6. Be that as it may, as seen from the material on record, the petitioners were in judicial custody from 24.04.2023 and the injuries received by the *de-facto complainant* are either superficial or simple in nature. Further, the *de-facto complainant* was already discharged from the hospital. In that view of the matter, this Court is inclined to enlarge the petitioners on bail with certain conditions.

7. The petitioners/A.1 & A.2 are directed to be released on bail on their furnishing personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties for the like sum each to the satisfaction of the

First Additional Judicial Magistrate of I Class, Peddapuram. On such release, the petitioners/A.1 & A.2 are directed to appear before the Station House Officer, Peddapuram Police Station, on every Sunday between 10.00 a.m. and 1.00 p.m., until further orders.

8. The criminal petition is, allowed, accordingly.

JUSTICE K. SURESH REDDY

Date: 15.06.2023

bss

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