

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION NO.2241 of 2015

ORDER :

The petitioner, who is the sole accused, filed the present application under Section 438 of Cr.P.C. seeking release in the event of his arrest in connection with Crime No.40 of 2015 of Anantapuramu I Town Police Station, Anantapuramu District, registered for an offence punishable under Section 307 of IPC.

The case of the prosecution as spelt out in the First Information Report is that about four years back, the informant performed his sister's marriage with the petitioner, who was doing Auto finance business. The brother-in-law of the informant, who is the petitioner herein went in to second marriage with one Hemalatha which the informant came to know through her sister. On 25.02.2015 at about 05.00 p.m., the informant approached his brother-in-law, questioned him about his second marriage and threatened him stating that a report would be lodged to the police against him for the injustice done to his sister. Keeping the same in mind, at about 07.00 p.m., while the informant was at his house, the petitioner came there with sickle, questioned him as to how he would file a case if he is killed and tried to attack on the head of the informant. When the informant resisted, the blow landed on his left hand causing bleeding injuries on his thumb and index finger. The averments in the report would also disclose that the thumb was almost cut. On hearing the galata, the wife and sister of the informant came there and rescued him. Basing on these allegations, the present case came to be lodged.

Heard the learned counsel for the petitioner and learned Public Prosecutor appearing for the respondent-State.

Learned counsel for the petitioner submits that after the incident, the petitioners have compromised the matter and as such his request may be considered.

But a perusal of the material placed before the Court does not anywhere show that there was a compromise between both the parties. Further, the

allegations in the report would show that as on the date of the incident i.e., on 25.02.2015 at about 07.00 p.m., the petitioner is alleged to have gone to the house of the informant and attacked him with sickle causing grievous injuries between the thumb and index fingers. The averments in the report also disclose that the thumb was almost cut.

Having regard to the circumstances of the case and taking into consideration the nature of injury caused by the petitioner, I am not inclined to grant anticipatory bail to the petitioner. However, the petitioner, if so advised, shall surrender before the concerned Court and move an application for grant of bail before appropriate Court after giving prior notice to the Public Prosecutor, in which event the same shall be dealt with, in accordance with law, at the earliest.

Accordingly, the criminal petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

23.03.2015

vhb