

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.10656 OF 2015

ORDER:

This Criminal Petition is filed by petitioners/A1 to A4 under Section 482 Cr.P.C seeking to quash the proceedings in F.I.R.No.351 of 2015 of Nellore Rural Police Station, Nellore District, registered for the offence punishable under Sections 307 and 324 r/w 34 I.P.C, which is an outcome of the report of the 2nd respondent/*de facto* complainant, recorded by the police in registering the crime on 26.09.2015 at 7.30 a.m.

Heard the learned counsel for the petitioners and the learned Public Prosecutor for the State before notice to respondent No.2 and before admission. Perused the material on record.

It is the contention of the learned counsel for the petitioners that it is a false implication by roping the accused persons including a lady/A2, who is a house woman and A1 aged about 70 years with attribution as if A1 attacked with blunt knife and had it been believed in the version in the report of A2 and A3 caught hold of the *de facto* complainant, A1 and A4 attacked with blunt knife or other weapon and available at their mercy they could have been got any intention to kill and there are no even description of the serious injuries and they distributed occurrence by roping A2 and A3 also so far as *de facto* complainant and A4 so far as his brother another so called injured and it is a false implication, thereby the F.I.R. is liable to be quashed.

It is the submission of the learned Public Prosecutor that the injured was treated as in-patient and the statement recorded in the hospital itself shows not discharged as out-patient. These are the aspects to be decided in a bail application or after investigation and as *prima facie* there is a case for the investigation to go on.

Having regard to the above, there are no grounds to admit the application but for to say in the factual matrix so far as petitioners 1 and 2 are concerned,

as the 1st petitioner aged about 70 years and 2nd petitioner is woman aged 52 years, they are entitled to the concession of bail, this application is disposed of giving liberty to the petitioners/A1 and A2 only to surrender before the learned Magistrate concerned and move for regular bail with notice to the Additional Public Prosecutor on same day and in such an event the learned Magistrate shall hear and grant bail on the same day with necessary conditions. The criminal petition in respect of petitioners/A3 and A4 is dismissed.

Accordingly, this Criminal Petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:14-10-2015

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