

**HON'BLE SRI JUSTICE C.PRAVEEN KUMAR**

**CRIMINAL PETITION No.1380 of 2015**

**ORDER:**

The petitioner, who is accused No.3, filed this Criminal Petition under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.89 of 2014 of Kakumanu Police Station, Guntur District, registered for the offences punishable under Sections 448, 354, 323 and 506 read with 34 IPC.

The case of the prosecution is that on 05.11.2014 the husband of the informant went to attend funeral function relating to death of one Tirunala Nageswara Rao. During the ritual ceremony, the husband of the informant was assisting the persons there in serving lunch. At that point of time, accused No.3 came to the said place in a drunken condition and started quarrelling with the husband of the informant due to previous enmity apart from abusing and beating the husband of the informant. The persons who were present there separated both of them. After returning home, the husband of the informant informed the same to her. At about 3.00 p.m. accused No.3 along with his brothers accused Nos.1 and 2 came to the house of the informant and started abusing the husband of the informant. The averments in the report disclose that the accused not only abused the husband of the informant but also beat him. The averments in the report further disclose that accused No.3 used filthy language towards the informant and asked the husband of the informant to send the informant to his bed. Thereafter, accused Nos.1 and 2 are alleged to have instigated accused No.3 to go and sleep with the informant and that they will see that none would object the same. It is alleged that when informant obstructed the assault, the accused No.3 caught hold of the informant and forced her to come with him. He also attempted to outrage her

modesty by placing his hands on her chest. When she raised cries, the neighbours came there and on seeing them the accused left the place, while leaving, all the accused are alleged to have threatened them with dire consequences. Basing on these allegations the above case came to be registered.

Learned counsel for the petitioner submits that earlier the petitioner along with other accused filed CrI.P.No.16185 of 2014 seeking anticipatory bail and the same was dismissed by this Court on 22.01.2015. He further submits that earlier the petitioner lodged a report against the husband of the informant, which was registered as Crime No.90 of 2014 of Kakumanu Police station and the same was not brought to the notice of the Court at the time of hearing the earlier application.

The learned Public Prosecutor opposed the petition.

A perusal of the papers which are now filed would show that the present crime was registered at 3.00 p.m. where as the counter crime was registered at 6.00 p.m. Therefore, it cannot be said that the report given by the petitioner was earlier in point of time. Even accepting the argument of the learned counsel for the petitioner that the report given by the petitioner is earlier in point of time, but the allegations in the present report clearly disclose that the petitioner is assaulted the informant after trespassing into the house. Apart from assaulting the husband of the informant, accused No.3 is alleged to have used abusive words against the informant by catching hold of the husband of the informant. He is alleged to have asked the husband of the informant to send his wife to him. From the averments, it is clear that specific role of outraging the modesty of the informant was attributed to accused No.3. Hence, I am not inclined to consider the request of the petitioner.

Accordingly, the Criminal Petition is dismissed.

C. PRAVEEN KUMAR, J

03.03.2015

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