

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.3474 of 2015

ORDER:

The petitioner, who is an accused in Cr.No.76 of 2015 of III Town Police Station, Rajahmundry, East Godavari District filed the present application under Section 438 of the Code of the Criminal Procedure (Cr.P.C.), seeking release in the event of his arrest in connection with the above crime registered for the offences punishable under Sections 454, 380 and 307 IPC.

The case of the prosecution is as under:

On 28-02-2015 at about 4.30 hours, the informant is alleged to have gone to a Church for offering prayers. On return, she noticed her mother crying loudly by catching her and wanted the informant to call the Pastor immediately. When enquired as to what happened, she revealed that a person wearing mask around his face entered into the bed room and when she questioned, he is alleged to have closed her face and mouth forcibly with hands resulting, scratched marks over her face. He also threatened to press her throat. While leaving the place, he committed theft of cash of Rs.1100/-, two ATM Cards besides Cell phone worth Rs.3,000/-. Basing on these allegations, the above crime came to be registered.

Learned counsel for the petitioner submits that the First Information Report (F.I.R.) is registered against an unknown person and though he is not shown as an accused, the police are after him.

Learned Public Prosecutor on instructions submits that in the second week of March, 2015, the informant lodged a report before Human Rights Commission and also gave a representation to the Superintendent of Police expressing suspicion against the petitioner. In view of the above, the police want to interrogate the petitioner.

A perusal of the material on record shows that the F.I.R. was registered against an unknown person and subsequently a suspicion came to be exercised against the petitioner. While rejecting his request, the learned Sessions Judge observed that there is a *prima facie* case against the petitioner.

In view of the above, I am not inclined to grant anticipatory bail to the

petitioner. However, the petitioner, if so, advised shall surrender before the appropriate Court and move an application for bail before concerned Court after giving notice to the Public Prosecutor, in which event, the same shall be dealt with in accordance with law on the same day. Accordingly, the Criminal Petition is disposed of.

As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE C. PRAVEEN KUMAR

22-04-2015

Nvl