

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL PETITION No.1836 of 2015

ORDER:

The petitioner, who is accused No.2 in Crime No.7 of 2015 of Air Port Zone, Kancharapalem Police Station, Visakhapatnam, preferred this criminal petition under Section 438 Cr.P.C. seeking release on bail in the event of his arrest in connection with the above crime, registered for the offences punishable under Sections 307, 506 r/w.Sec.34 IPC.

Heard the learned counsel for the petitioner/A2, learned Public Prosecutor, representing the State, and perused the material on record.

The case of the prosecution is that in the year 2012 the informant sold his Bike to A1 for a consideration of Rs.1,00,000/-, and in the month of August, 2012, A1 gave an amount of Rs.50,000/- promising to pay the balance amount at a later stage, but did not pay the same. On 03.01.2015 the informant made a phone call to A1, who asked him to come to NAD junction to receive the amount. Accordingly, the informant went to NAD junction at 11 p.m and when he stood opposite to Alpha Hotel, A2, who is the petitioner herein informed him that A1 was waiting in the black colour Renault Car opposite to Alpha Hotel. When the informant reached A1, suddenly A2 caught hold of the informant from his back, A1 took out a Talwar from his car and attacked the informant causing bleeding injuries on his left hand. Basing on these allegations, the report came to be lodged by the informant.

The learned counsel for the petitioner/A2 submits that the dispute was between A1 and the informant and A2 has not played any role in the incident.

The learned Public Prosecutor opposed the present criminal petition.

A perusal of the averments of the First Information Report would show that the petitioner/A2 is alleged to have gone to the place where the informant was standing, approached him and told him that A1 is waiting in the car opposite to the hotel. When the informant went there, the petitioner/A2 is alleged to have caught hold of the informant, facilitating A1 in attacking the informant with a weapon thereby causing bleeding injuries on his left hand. Since specific role is attributed to the petitioner/A2, I am not inclined to grant anticipatory bail to the petitioner/A2.

However, the petitioner/A2, if he is so advised, shall surrender before the appropriate Court and make an application for bail, after giving prior notice to the learned Public Prosecutor, in which event, the same shall be dealt with in accordance with law, at the earliest.

The Criminal Petition is accordingly disposed of.

C.PRAVEEN KUMAR,J

Dated: 17.03.2015

Dsr