

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 3627 of 2015

ORDER :

The petitioner, who is the sole accused in Crime No.60 of 2015 of Buchireddypalem Police Station, Nellore District, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with the above crime registered for an offence punishable under Section 324 IPC. Subsequently, the section of law was altered to 307 IPC.

The case of the prosecution is that on 19.03.2015 at 10.00 hours L.W.1 took the she-buffalos to his field for grazing purpose and at about 12.00 hours he was returning to home for mid-day meal. When he reached the bus stand centre, the accused drove his car in a rash and negligent manner and ran over the leg of L.W.1. When L.W.1 questioned about his high-handed behaviour, the accused is alleged to have stated that he was paying road tax and asked him to be by the side of the road. Thereafter, when L.W.1 was going to his house, the accused with an intention to do away him is alleged to have picked up a jockey rod of his car, came behind L.W.1, and beat on back side of the head of L.W.1 causing bleeding injuries. Immediately, L.Ws.3 and 6, who saw the incident, brought L.W.1 on their motorcycle, admitted him in the Government Hospital and from there he was shifted to Nellore for better treatment. Basing on these allegations, the above case came to be registered.

Learned counsel for the petitioner submits that due to disputes between the accused and the informant, the present case has been lodged. He placed on record papers relating to Crime No.120 of 2012 of Buchireddypalem Police Station in which the informant herein was shown as an accused. On the other hand, learned Additional Public Prosecutor opposed the application.

A perusal of the material placed before the Court and the C.D. file would show that the incident of attack on L.W.1 by the accused was witnessed by L.Ws.3 and 6, and they took the informant on their motorcycle to Government Hospital and

from there shifted him to Nellore for better treatment. The record further reveals that the informant was treated as inpatient for nearly 12 days. The registration of Crime No.120 of 2012 of Buchireddypalem P.S. against the informant will not in any way be helpful to the petitioner, as it was registered three years prior to the date of lodging of the report and the present report cannot be a counterblast to the said case. Having regard to the nature of the injuries sustained and taking into consideration the circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner.

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

JUSTICE C. PRAVEEN KUMAR

24th April, 2015

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