

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 826 of 2015

ORDER:

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The petitioner, who is the sole accused in Crime No.8 of 2015 of Pedavegi Police Station, West Godavari 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 307 IPC.

The case of the prosecution is that the petitioner used to sell brandy and arrack in his house by getting them from outside. The husband of the informant, who was residing in the opposite house, requested the petitioner not to sell liquor, but the petitioner did not stop the same. Later, the excise police arrested the petitioner and remanded him to judicial custody. After his release, the petitioner picked up a quarrel with the husband of the informant stating that he is responsible for the arrest and is alleged to have threatened him with dire consequences. On 17.01.2015 while the husband of the informant was coming from the fields, the petitioner is alleged to have attacked with a stick and tried to kill him. Basing on these allegations the above case came to be registered.

Heard learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent-State.

Learned counsel for the petitioner mainly submits that the injuries sustained by the husband of the informant are simple in nature, and hence it cannot be said that he had an intention to kill the injured.

On the other hand, the learned Public Prosecutor opposed the same contending that the injured was in-patient in the hospital for nearly a month as the injuries sustained by him were grievous in

nature and he was discharged on 14.02.2015 only.

A perusal of the material on record more particularly the case diary would show that the injured was discharged from the hospital on 14.02.2015. Therefore, it cannot be said that the injuries sustained by the victim are simple in nature. The averments in the report clearly disclose that on the date of incident i.e. on 17.01.2015 while the victim was returning from the fields, the petitioner is alleged to have attacked with a stick and beat on his head with an intention to kill him. Taking into consideration the fact that the injured was in the hospital for nearly 25 days and the injuries sustained by him being grievous, I am not inclined to grant anticipatory bail to the petitioner.

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

JUSTICE C. PRAVEEN KUMAR

20.02.2015

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