

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.2907 of 2015

ORDER:

The petitioner, who is A-4 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 Cr.No.2 of 2015 of Uyyalawada Police Station, Kurnool District registered against him and others for the offences punishable under Sections 324, 307 r/w.34 IPC.

The case of the prosecution is as under:

On 04-01-2015 at about 9.45 pm, while the informant by name Alluri Joseph was returning from R-Pampalle village on his motor cycle, A-1 to A-7 formed themselves into an unlawful assembly and with an intention to kill the informant obstructed him. A-1 is alleged to have instigated others to attack the informant. Then A-2 hacked the informant with a sickle on his right side chest, A-3 beat him with a pestle on his head. When Gangamma, who is the brother of the informant raised cries, A-4 is said to have hacked him with a sickle on the head, while A-1 beat him with an iron rod on the left hand. Further, A-5, A-6 and A-7 beat the informant with hands and legs causing injuries. The accused are alleged to have damaged the motorcycle as well. On intervention of relatives, the accused left the place. Basing on these allegations, the above crime came to be registered.

Heard learned counsel for the petitioner and the learned Public Prosecutor for State.

Learned counsel for the petitioner mainly submits that Cr.No.1 of 2014, which came to be registered earlier to the present crime, gives a different picture about the incident. As such the allegations in the present report are false. He further submits that there are some civil disputes between the parties which lead to foisting a false case against the petitioner.

It is to be noted that earlier this petitioner along with the other accused filed CrI.P.No.1066 of 2015 before the Court and by an order dated 27-02-2015, this Court rejected the request of the petitioner. In the said application, this Court considered two F.I.Rs. registered as Cr.Nos 1 and 2 of 2014 of Uyyalawada Police Station and after analyzing the contents of both the crimes, came to the conclusion that the petitioner does not deserve for anticipatory bail. The present application is

filed again by the petitioner raising the very same grounds and also contending that the present case came to be filed due to existence of civil dispute i.e. O.S.No.23 of 2011 on the file of Junior Civil Judge, Koilkuntla. It is to be noted that merely because there are some civil disputes between the parties, that by itself does not entitle the accused for grant of anticipatory bail. The First Information Report clearly attribute a specific role to the petitioner, wherein he is alleged to have hacked the informant with a sickle on head causing an injury. That being the position, the request of the petitioner cannot be considered.

Accordingly, the Criminal Petition is dismissed. As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE C. PRAVEEN KUMAR

09-04-2015

Nvl