

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.1640 OF 2016

ORDER:

The present Criminal Petition under Section 438 of Cr.P.C., is filed by the petitioners/A.1 and A.2 seeking release, in the event of their arrest in connection with Crime No.71 of 2015 of Varadaiahpalem Police Station, Chittoor District, registered for the offences punishable under Sections 143, 147, 148, 427, 341, 323, 307, 435 r/w. 149 of I.P.C., against the petitioners/A.1 and A.2 and others.

The averments, in brief, are that one Kumar, driver of the Motor Cycle bearing No.TN 20BZ 4521 drove his vehicle in a rash and negligent manner and dashed on the left side of the Car bearing No.TN 07BM 5522, in which the informant was traveling. Due to which the said Kumar fell down and sustained injuries. Later, the petitioners/A.1 and A.2 and others formed themselves into an unlawful assembly armed with deadly weapons and beat the informant with stone and damaged the car. The petitioners/A.1 and A.2, while restraining the informant from proceeding further in that car, poured petrol over and inside the car and set it on fire with an intention to kill the informant. Due to the fear, the informant escaped from the clutches of the accused and later lodged the present report.

Learned counsel for the petitioners/A.1 and A.2

mainly submits that the allegations made against the petitioners are omnibus in nature. He would further submit that the other accused in the aforesaid crime were already released on bail and hence, the case of the petitioners may also be considered for release on bail. The learned counsel further submits that there is no opportunity for the informant to know the names of the accused and, as such, the petitioners are falsely implicated in the present case.

On the other hand, the learned Public Prosecutor opposed the same contending that specific role is attributed to the petitioners/A.1 and A.2 in the F.I.R. and, as such, they are not entitled for grant of anticipatory bail.

A perusal of the contents in the F.I.R. would disclose that the petitioners have prevented the informant from proceeding further in his car and later poured petrol over and inside the car setting it fire with an intention to do away with the life of the informant. Since the averments in the F.I.R. attribute specific role to the petitioners, I am not inclined to consider the request of the petitioners for release on bail, in the event of their arrest.

However, the petitioners/A.1 and A.2 shall surrender before the appropriate Court and move appropriate application for release on 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 on the same day.

Subject to the above direction, this Criminal Petition
is dismissed.

JUSTICE C. PRAVEEN KUMAR

24.02.2016.

Msr

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