

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.13637 of 2016

ORDER:

1) The petitioner, who is accused No.2, filed the present Criminal Petition under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.232 of 2016 of Armour Police Station, Nizamabad District, registered for the offences punishable under Sections 307, 448, 290 and 323 read with 109 IPC.

2) The case of the prosecution is that there were land disputes between the accused and the injured Mohammed Azaz. Keeping the above grudge in mind, on 15.08.2016 A.1 to A.3, with the abetment of A.4, armed with sticks and steel punches were waiting for the injured, outside a Mosque at Perkit Village. At about 7:15 P.M., when the injured came out of the Mosque, A.1 to A.3 are alleged to have attacked him. A.1 is alleged to have beat with steel punch, while A.2 and A.3 beat the injured with sticks causing severe injuries. Thereafter, all the accused criminally trespassed into the house of the injured, abused LWs.5 and 6 and beat them with hands. Basing on these allegations, the present crime came to be registered.

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

4) A perusal of the material on record would show that earlier the petitioner filed Criminal Petition No.12910 of 2016 seeking anticipatory bail, which was dismissed on 09.09.2016. The material on record would show that accused No.2 along with accused No.3 beat the injured with sticks causing injuries. Since accused Nos.1 and 3, who were arrested and released on bail and the petitioner stands on the same footing as that of accused No.3, I am not inclined to grant anticipatory bail to the petitioner, but however, the petitioner, if so advised, shall surrender before the concerned Court and move regular bail application, in which event the same shall be dealt with either on the same day or at the earliest, in accordance with law.

5) Accordingly, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

21.09.2016

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