

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

- **CRIMINAL PETITION No.12360 of 2016**

ORDER:

- The petitioner, who is A.3 in crime No.40 of 2015 of Government Railway Police, Tirupathi, preferred the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with the above crime registered against him for the offence punishable under Section 332 r/w.34 of Indian Penal Code.

The case of the prosecution is that on 07.05.2015 at about 1845 hours in train No.12798 Venkatadri Express, when the informant was discharging his night train beat duty, the petitioner and two others are alleged to have found standing at the door of S-5 coach. When the informant advised them to lock the door and sit in their seats, accused did not heed to his words. When the informant pulled A.1 to A.3 into the compartment and locked the door, accused beat him and another constable who tried to rescue the informant, due to which the informant sustained injury on his hand. Further, A.1 to A.3 are alleged to have abused the informant in filthy language. Basing on these allegations, the above report came to be registered.

Learned counsel for the petitioner mainly submits that the petitioner is an employee in Allahabad Bank, Renigunta branch, and he is never involved in any offence. He further submits that the crime is of the year 2015 and Police are now trying to arrest the petitioner. The same is opposed by the learned Public Prosecutor.

A perusal of the material on record goes to show that the incident took place on 07.05.2015 and the petitioner is working in Allahabad Bank, Renigunta branch.

Having considered the facts and circumstances of the case and since the offence is alleged to have been committed by the petitioner is triable by Magistrate, the petitioner, if so advised, shall surrender

before the concerned Court and move an application seeking regular bail after giving prior notice to the concerned Public Prosecutor, in which event the same shall be considered in accordance with law on the same day on such terms and conditions as the Court deems fit.

With above direction, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

29.08.2016

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