

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.3914 of 2016

ORDER :

The petitioner, who is an accused in Crime No.22 of 2016 of Vemulavada Town Police Station, Karimnagar District, filed the present Criminal Petition under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with the above crime, registered for the offences punishable under Sections 307, 504 and 506 IPC.

The case of the prosecution is as under:

The father of the informant had certain properties at Vemulavada village, more particularly land in Sy.No.1/A and 1871/A of Parvathipuram, Vemulawada which is subject matter of dispute herein. During his life time the properties were divided amongst three brothers and land at Parvathipuram fell to the share of the informant and his young brother by name Prasada Rao. Both of them developed the land by constructing a small shopping complex consisting of four shops and four service apartments. One house behind it and a hotel by name Lakshmi Nihar Regency was also constructed abutting the Main Road. After completion of the construction, the informant let out four shops opposite to Bhimeswaralayam Temple to Kishore, Nagabothu Prabhakar, Mahesh and Krishna, who were paying rent regularly. While things stood thus, the petitioner, who is eyeing to take the properties which fell to share of the informant started creating problems. The averments in the report further show that complaints came to be lodged against the petitioner for the act of forgery, cheating and fabrication of documents and also threatening the tenants to vacate the shops. On coming to know about the same, the informant, who is a practicing Advocate in

Hyderabad, proceeded to Vemulawada on 26.01.2016 and engaged a shutter locked mechanic to open the lock of one of the shops which was forcibly locked by the petitioner. While the mechanic was working, the petitioner is alleged to have come there, hit the mechanic Mr.Pullaiah and thereafter he attacked the informant with blade with an intention to kill him. The averments in the report further shows that the petitioner attacked the informant with blade causing injuries on throat and both arms apart from abusing him in filthy language and beating him black and blue. The averments also show that the mother of the informant encouraged the said Act. The petitioner is alleged to have threatened the informant stating that he will kill him if he ever comes to Vemulawada. Basing on these allegations, the above case came to be registered.

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

Learned counsel for the petitioner mainly submits that even accepting the allegations in the report to be true no offence is made out against the petitioner. According to him, the injuries are self inflicted and that the injuries of the nature referred in wound Certificate could not have been caused with a blade. He further submits that there are civil disputes pending between the petitioner and the informant which lead to lodging of the present report.

Learned Additional Public Prosecutor opposed the application contending that the wound certificate issued by the doctor clearly indicates the nature of injuries sustained by the informant. He further submits that nobody would dare to self inflict the injuries with a blade more so an educated person, like the informant.

The averments in the Part-I case diary which has been placed before the Court would show that on 26.01.2016 at about 3.15 p.m.

while LW.7 tried to open the lock in the presence of LW.1, the petitioner is alleged to have come there, beat the mechanic first and later he is alleged to have attacked LW.1 indiscriminately with a blade with an intention to kill him, thereby causing injuries to the informant on his both arms and throat. The said version also finds place in the first information report lodged immediately after the incident. The wound certificate issued by the doctor establishes the presence of three contusions measuring ½” x ½” over left fore arm palmer aspect. The said certificate also refers to the presence of multiple abrasions, five in number, on right fore arm palmer aspect. The record also discloses that the petitioner is involved in five crimes registered at the instance of the informant and others. The particulars of which are as under:

1. Crime No.9 of 2015 of Vemulavada Police Station, registered for the offences punishable under Sections 420, 467 and 471 IPC.
2. Crime No.12 of 2015 of Vemulavada Police Station, registered for the offences punishable under Sections 457 and 380 IPC.
3. Crime No.138 of 2015 of Vemulavada Police Station, registered for the offences punishable under Sections 420, 468 and 471 IPC.
4. Crime No.139 of 2015 of Vemulavada Police Station, registered for the offences punishable under Sections 420, 468 and 471 IPC.
5. Crime No.140 of 2015 of Vemulavada Police Station, registered for the offences punishable under Sections 420, 468 and 471 IPC.

It is also brought to the notice of the Court that the petitioner herein filed an application for quashing of these proceedings under Section 482 Cr.P.C. along with a petition seeking stay of arrest. But when the Court expressed its opinion on the issue, the same was

withdrawn. Later, the present application came to be filed. It is true that O.S.No.9 of 2015 is filed by the mother of the petitioner against the informant and others, but that by itself cannot be a ground to grant anticipatory bail to the petitioner, when the informant was attacked with a blade which though described as simple blade but it is something like axe-saw. Having regard to the nature of injuries sustained, the argument of the learned counsel for the petitioner that the injuries are self inflicted cannot be accepted. Hence, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

29.03.2016

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