

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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CRIMINAL PETITION No.10444 of 2016

AND

CRIMINAL PETITION No.10718 of 2016

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COMMON ORDER:

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Criminal Petition No.10444 of 2016 is filed by A-3 and A-6 whereas Criminal Petition No.10718 of 2016 is filed by A-1 and A-2.

Both these applications are filed under Sections 437 and 439 Cr.P.C., seeking enlargement on bail in Crime No.25 of 2016 of Nandalur Police Station, YSR Kadapa District, registered for the offence punishable under Sections 147, 148, 302, 307, 324, 109 read with 149 IPC.

On 28.04.2016 at about 11.00 a.m., one R.Venkata Narsaiah lodged a report, which is as under :-

It is said that on 27.04.2016 at about 4.00 p.m., while himself and his father Ramanaiah were going to their lands from Mahalakshmi temple, the neighbours of said temple viz., Dupati Siva, Dupati Gopal, Dupati Venkata Subbaiah, Dupati Maramma, Dupati Penchalamma and Dupati Mallaiah i.e., A-1 to A-6 formed themselves into a group with a common intention to kill his father. Accordingly, they attacked them with an iron pipe and spear sticks raising cries that they will see their end. Then Dupati Siva and his father Dupati Gopal beat the father of the informant with iron pipe on the head, stomach and chest causing bleeding injuries. When the informant intervened, Dupati Mallaiah (A-6), D.Venkata Subbaiah (A-3) and Dupati Gopal (A-2) beat him with sticks and iron pipes on right shoulder and on the back side of right leg, because of which he fell down. On coming to know about the incident, his mother

Savitramma came and questioned them about beating. Then Dupati Maramma and Dupati Penchalamma beat his mother with sticks. Thereafter when his paternal aunt Dupati Tirupalamma intervened Dupati Gopal beat her with a stick on upper arm causing a fracture. Immediately they telephoned to 108 Ambulance, which shifted the father of the informant to Government Hospital, Rajampet. Due to seriousness in his health condition, he was shifted to RUYA Hospital, Tirupati. From there he was shifted to SVIMS Hospital, Tirupati for better treatment. Basing on these allegations the case was initially registered under Sections 324, 307, 109 read with 34 IPC. While taking treatment, the deceased died on 29.04.2016, which lead to alteration of section of law.

Learned counsel for the petitioners contends that there are certain ill feelings between the two families with regard to village supremacy. Since no overt acts are attributed with regard to attack on the deceased he pleads release of all the accused.

Learned Additional Public Prosecutor opposed the same contending that A-3 to A-6 are the main kingpin to the above offence. It is further contended that the accused are strong enough to tamper with the evidence and may create law and order problem if they are released on bail.

As seen from the averments made in the first information report A-1 and A-2 are the persons who are alleged to have attacked the deceased by hitting him with an iron pipe on the head, thereby causing bleeding injuries. They also attacked the informant when he intervened to save his father. Since specific overt acts are attributed to A-1 and A-2 with regard to attack on the deceased, I am not inclined to consider their

request at this stage. Insofar as A-3 and A-4 are concerned the averments in the First Information Report though do not disclose that they have attacked the deceased, but A-3 and A-4 caused grievous injuries to the informant. Apart from that their application was dismissed by this Court vide Crl.P.No.8444 of 2016. In the absence of any change in circumstances, their request cannot be considered at this stage.

Accordingly, both the Criminal Petitions are dismissed giving liberty to the petitioners to renew their request after filing charge-sheet.

JUSTICE C. PRAVEEN KUMAR

Dt:28.07.2016
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