

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION NO.412 of 2016

ORDER :

The petitioner, who is sole accused in Crime No.365 of 2015 of Kothur (M) Police Station, Mahboobnagar District, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with the above crime registered for an offence punishable under Sections 326 of IPC.

The averments in the F.I.R. would show that the informant by name R.Arun Kumar Reddy was working under Darshan Kumar Goud who was doing cotton business since four months prior to the incident. On 22.12.2015, the informant took cell phone from the co-worker, reached home and slept while listening to songs. After an hour, the above said person came to the house of the informant and as he was sleeping, his brother gave the cell phone to him. On the same day at about 09.30 a.m., Darshan Kumar Goud beat on the mouth of the informant on the allegation that the informant committed theft of cell phone, as a result of which he lost four teeth and also sustained bleeding injuries. Basing on these allegations, the above crime came to be registered.

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

Learned counsel for the petitioner submits that earlier this Court directed the parties to come to settlement, but for some reason or the other, the same could not be done. He submits that even accepting the entire allegations to be true, an offence under Section 326 of IPC is not made out. Learned public prosecutor opposed the same.

Having regard to the nature of allegations made which are grave and serious in nature, I am not inclined to grant bail to the petitioner.

Accordingly, the Criminal Petition is dismissed. However, the petitioner, if so advised, shall appear before the trial Court and move an application for grant of bail after giving prior notice to the Public Prosecutor, in which event the same shall be dealt with either on the same day or at the earliest, in accordance with law.

JUSTICE C. PRAVEEN KUMAR

15.02.2016

Note:

Issue CC in two days.

B/o.

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