

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.13950 of 2016

ORDER:

The petitioner who is an accused in Crime No.18 of 2016 of Eturunagaram Police Station, Warangal District, filed the present application under Section 438 of the Code of the Criminal Procedure (Cr.P.C.), seeking release in the event of his arrest in connection with the above crime, registered for an offence punishable under Section 307 of IPC.

The case of the prosecution is that on 28.02.2016 at about 09.30 p.m., while the petitioner along with others were cooking food after unloading sand, a vehicle bearing No.TS 07 UB 4546 came towards them with high speed and driven in a negligent manner. On questioning about the said act of the driver, there was an altercation between the driver and the informant, and the driver is alleged to have attacked the informant with iron rod on his head causing injury due to which he fell down unconscious. Immediately, with the help of his friends, the informant was shifted to hospital for treatment. It is further alleged that the driver came back and also attacked the friends of the informant with iron rods. Basing on the above allegations, the present case came to be registered.

Learned counsel for the petitioner submits that the allegations made in the report are false and are invented for the purpose of the case. It is his case that there is abnormal delay in lodging the report and nature of injuries sustained by the informant are not serious in nature. Learned public prosecutor opposed the application contending

that the medical report amply establishes the participation of the petitioner in commission of the offence.

As seen from the record, LWs.1 to 3 who were examined as injured eye witnesses and LWs.4 and 5 as eye witnesses, in one voice speak about the participation of the accused in the alleged offence. Apart from that, the medical certificate issued by the Government hospital would show that the informant received cut injuries on the head which were said to be grievous.

Having regard to the above, I am not inclined to grant anticipatory bail to the petitioner. But, however, the petitioner is at liberty to surrender before the concerned Court and move an application for grant of bail before appropriate Court after giving prior notice to the Public Prosecutor, in which event the same shall be dealt with in accordance with law at the earliest.

Accordingly, the criminal petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

27.09.2016
vhh