

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.10380 OF 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor. Perused the material on record.

2. The present Criminal Petition came to be filed by the petitioner/A.6 under Section 438 Cr.P.C., seeking release in the event of his arrest in connection with Crime No.122 of 2016 of Mangalhat Police Station, Hyderabad, registered for the offences punishable under Sections 148, 307, 341, 332, 506 read with 149 IPC and Section 50(A) of the Andhra Pradesh Excise Act.

3. The facts in issue are that on 27.05.2016 at about 5:10 P.M., on the instructions of the Station House Officer (SHO), Dhoolpet, the informant- Prohibition and Excise Head Constable went to the house of A.1 asking him to come Dhoolpet Police Station for binding over before the Special Executive Magistrate under Section 110 Cr.P.C., as he was previously involved in many cases in Dhoolpet Station. But, A.7 and his sons A.1 and A.2 abused him in filthy language, threatened and refused to come with him. As such, he returned back to Dhoolpet Station and informed the same to SHO. Thereafter, SHO along with team lead by LWs.1 to 5 and others proceeded to Indira Nagar, Mangalhat for conducting raid on the house of one Shobha and on search, they found ID liquor, which was seized. When they are getting ready to return from the said house, at about 5:35 P.M., seven persons came on three bikes, including A.1 to A.4 and A.6, obstructed their vehicles and started abusing and threatening them by saying "Sab Janno Ko Maar dal Unga Maake Loudae". A.1 and A.2 picked

up big granite stones (boulders) which were on the road side and threw them with an intention to kill them, but, luckily they escaped. The accused also picked up stones from road side and started pelting on the police party. Due to which, the informant sustained an injury on his right leg and LWs.2 and 3 also received injuries. A.1 to A.4 and A.6 fled away on their bikes and two other persons ran away leaving a Black Honda Activa on the spot. Basing on these allegations, the present crime came to be registered.

4. Learned counsel for the petitioner submits that the petitioner is innocent of the offences alleged and has been falsely implicated in the case. In the absence of any specific overt act, the petitioner seeks bail.

5. Learned Additional Public Prosecutor opposed the same.

6. As seen from the Remand Report and also the First Information Report, the petitioner along with six others prevented the Prohibition and Excise Officials from leaving the place after conducting search. Further, A.1 and A.2 are alleged to have picked up big granite stones from the road side and threw them with an intention to cause injuries. The petitioner and others are alleged to have hurled stones on the raid party. The material placed before this Court also shows that raid party officials received injuries.

7. Having regard to the nature of allegations made against the petitioner and since the petitioner indulged in act of causing injuries to the raid party apart from threatening with dire consequences, I am not inclined to grant anticipatory bail.

However, the petitioner is at liberty to surrender before the concerned Court and move an application for bail after giving prior notice to the Public Prosecutor. In which event, the concerned Court shall consider the same on the same day taking into consideration the fact of release of other accused.

8. Accordingly, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

Date:27.07.2016

Note: Furnish CC by tomorrow

(B/O)

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