

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL PETITION No.3693 of 2016

ORDER:

The petitioner, who is the sole accused in Crime No.375 of 2015 of Nagarampalem Police Station, Guntur 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 the offences punishable under Sections 307, 497, 452, 506, 509 and 309 IPC.

The case of the prosecution is that the mother-in-law of the informant was doing business on a push cart abutting to Guntur Mahila Police Station by selling breakfast items. The informant used to go there to assist her mother-in-law and slowly developed acquaintance with the petitioner, who is working as constable in the police station. Illicit intimacy developed between both of them. When the said affair came to the knowledge of the husband of the informant, she pleaded the petitioner not to come to her but the petitioner did not change his attitude and was threatening the informant with dire consequences on one pretext or the other. While so, on 29.12.2015 at about 12.00 noon the petitioner is alleged to have entered into the house and tried to kill the informant by throttling her neck. He also made an attempt to kill her by

administering some powder. 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 submits that even accepting the allegations in the report to be true no offence is made out against the petitioner and a false case has been foisted against him because of illicit intimacy.

Learned Additional Public Prosecutor opposed the application contending that earlier the petitioner filed CrI.P.No.883 of 2016 and this Court by its order dated 03.02.2016, rejected the request of the petitioner.

As seen from the record, on the date of incident the petitioner is alleged to have entered into the house and tried to kill the informant by throttling her neck and also tried to administer some powder to her. Be that as it may, the record also reveals that earlier the petitioner filed CrI.P.No.883 of 2013, which was dismissed on 03.02.2016. In the absence of any change in fact or law; as the investigation is still going on and since the order passed by this Court has become final as the same is not challenged, the question of considering the request of the petitioner again would not arise. Hence, the request of the petitioner has to be rejected. However, the petitioner, if so

advised, shall surrender before the Court concerned and make an application for regular bail before the appropriate Court after giving prior notice to the Public Prosecutor, in which event the same shall be dealt with on merits in accordance with law at the earliest.

With the above direction, the Criminal Petition is disposed of.

C. PRAVEEN KUMAR, J

28.03.2016

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