

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.9538 OF 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Public Prosecutor.

2. The present Criminal Petition came to be filed by the petitioner under Section 438 Cr.P.C., seeking release in the event of his arrest in Crime No.377 of 2015 of Dhone Police Station, Kurnool District.

3. On a report lodged by the informant, originally the aforesaid crime was registered by the police on 15.11.2015 against 4 accused for an offence punishable under Section 324 read with 34 IPC. Subsequently, on 18.11.2015, police filed an alteration memo adding Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. The case of the prosecution is that on 15.11.2015 at 15.00 hours, A.1 to A.4 beat the informant with a blade and stick causing bleeding injuries on his person while he was with his relatives. The said incident was due to the earlier disputes among themselves over a cell phone.

5. As seen from the material on record, the First Information Report is silent as to presence or participation

of the petitioner. It only indicates the presence and participation of A.1 to A.4. Further, the alteration memo which was filed by the police on 18.11.2015 also does not refer to the presence or participation of the petitioner. Subsequently, the statement of the informant under Section 164 Cr.P.C. came to be recorded on 21.06.2016, in which the petitioner was alleged to have instigated the other accused to attack the informant. Having regard to the facts and circumstances of the case, the request of the petitioner can be considered on certain terms and conditions.

6. Accordingly, the petitioner is directed to appear before the concerned Court within a period of 10 days from today and move an application for bail, in which event, the said Court shall release the petitioner on bail on his executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum each to his satisfaction.

7. Accordingly, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

Date: 19.07.2016

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