

THE HONOURABLE SRI JUSTICE C.PRAVEEN KUMAR
CRIMINAL PETITION No.3409 of 2016

ORDER:

Heard the learned counsel for the petitioners/A.3 and A.5 and the learned Public Prosecutor.

2. The petitioners/A.3 and A.5 filed the present application under Section 438 Cr.P.C. seeking release in the event of their arrest in connection with Crime No.27 of 2016 of Akividu Police Station, West Godavari District, registered for the offences punishable under Sections 342 and 307 read with 34 I.P.C.

3. Case of the prosecution is that on 31.01.2016 at about 10:30 A.M., the accused persons went to the Church and caused obstruction to the prayer, which was being performed in the church. When the informant questioned about the same, A.3 to A.5 and A.8 are alleged to have caught hold of the informant and A.1 is alleged to have beat the informant with an iron rod on his head causing bleeding injury and also threatened him with dire consequences. Immediately, the injured was shifted to Government Hospital and thereafter, the present crime came to be registered.

4. Learned counsel for the petitioners submits that the allegations made against the petitioners are false and invented for the purpose of this case. He further submits that the petitioners only caught hold the hands of the informant, which by itself would not amount to an offence punishable under Section 307 IPC.

5. Learned Public Prosecutor opposed the same contending that the very act of the petitioners, facilitated A.1 to attack the informant with an iron rod.

6. A perusal of the material on record would show that on the date of incident, A.3 to A.5 and A.8 caught hold the informant and A.1 beat

the informant with an iron rod on his head and caused bleeding injury. Therefore, it cannot be said that no role is played by the petitioners with regard to attack and causing of injuries to the informant. Having regard to the fact that A.1 and A.8 are arrested and released on bail, the petitioners shall appear before the concerned Court and move an application for bail after giving prior notice to the learned Public Prosecutor, in which event, the same shall be dealt with in accordance with law on the same day.

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

C.PRAVEEN KUMAR, J

MARCH 21, 2016.
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Date: 21.03.2016

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