

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.12552 OF 2016

ORDER:

The petitioner, who is A.3, preferred the present Criminal Petition under Section 438 of the Code of Criminal Procedure, 1973, seeking release in the event of his arrest in connection with Crime No.116 of 2016 of Nandyal I Town Police Station, Kurnool District, registered for the offences punishable under Sections 147, 148, 324, 307, 341 read with 149 IPC and Section 7(1) of the Criminal Law Amendment Act, 1932.

2. The case of the prosecution is that on 04.07.2016 at about 11:00 house, while the informant along with his father were returning home from the Town on a motor cycle bearing No.AP 21 AV 3473 and when they reached near Shobha Lodge, stopped the motorcycle on the left side of the road due to traffic. At that time, a car, in which the accused were travelling stopped by their side and one person stared at him and abused in filthy language. When the informant questioned his act, all the accused got down from the car, caught hold of his shirt, beat him with a belt, tightened his neck with the belt due to which, he received bleeding injury on his right side of neck. When his father tried to intervene, the accused pushed him aside, beat the informant indiscriminately and tried to kill him. When the public intervened to pacify the matter, the accused threatened them. The neighbouring shop keepers closed their shops due to fear of the accused. One Home Guard, who was

on traffic duty, along with some others came there and on seeing them, the accused went away stating that they are followers of Abhiruchi Madhu and if anybody reports against them, they would see their end. Basing on these allegations, the present crime came to be registered.

3. Learned counsel for the petitioner mainly submits that even accepting the allegations in the report to be true, no case is made out against the petitioner and as there is a dispute with regard to presence of the petitioner in the participation of attack on the informant, the request of the petitioner may be considered.

4. Learned Public Prosecutor opposed the same.

5. A perusal of the remand Case Diary, which has been placed before the Court, would show that LWs.2, 3 and 8 are eye witnesses to the incident. In their statements, they narrated the manner in which the incident took place and also about the participation of the accused in the said attack. Apart from that, the statement of LW.2 speaks about taking video of entire incident, which was alleged to have been telecasted in the local electronic media. Having regard to the fact that more than three witnesses speak about the presence and participation of the petitioner along with other accused, in the attack on the informant, it cannot be said that the petitioner is innocent of the offences alleged. The contention of the learned counsel for the petitioner that the act of the accused does not constitute an offence punishable Section 307 IPC cannot be

accepted at this stage and the same has to be decided during the course of trial.

6. Having regard to the circumstances stated above, I am not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

Date:08.09.2016
INL

