

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.5917 of 2016

ORDER:

The petitioner who is A1, filed the present application under Section 438 of the Code of the Criminal Procedure (Cr.P.C.), seeking release in the event of his arrest in connection with Crime No.32 of 2016 of Araku Valley Police Station, Visakhapatnam District, registered for the offences punishable under Sections 307, 354 read with Section 34 of IPC.

The case of the prosecution is that on 22.03.2016 at 07.30 p.m., while the mother of the informant was pumping water near bore-well, she found water tap in a damaged condition. Seeing the same, she uttered stating that no one would get the water in summer due to such negligence. Believing the said allegation was directed against him, the petitioner caught hold of the tuft of the mother of the informant and dragged her. When her son (informant) came to her rescue, A2 and A3 attacked them and when A1 tried to kill the mother of the informant with axe, the informant pulled her aside. At that point of time, the informant received cut injury to his right leg toe. Further it is alleged that the accused threatened to kill the informant and her mother. Basing on these allegations, the present case came to be registered.

Learned counsel for the petitioner submits that even accepting the allegations in the report to be true, ingredients constituting an offence under Section 307 of IPC is not made out as there is no prior intention to kill the mother of the informant. He further submits that since A2 and A3 were granted bail, the request of the petitioner may be considered.

Learned public prosecutor opposed the application contending that the petitioner tried to kill the mother of the informant by hacking her on a presumption that the uttered words were directed towards the petitioner. He further submits that when the informant came to her rescue, the sustained an injury to his right leg toe. In view of the above, he submits that the petitioner is not entitled for any relief.

A perusal of the averments in the first information report would show that the petitioner herein is alleged to have attacked the mother of the informant and tried to kill the mother of the informant by hacking her with axe, but when the informant intervened, he received a cut injury to his toe. Having regard to the nature of allegations made, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the Criminal Petition is dismissed. However, taking into consideration the nature of injury sustained, the petitioner is at liberty to surrender before the concerned Court and move an application for grant of bail before the appropriate Court after giving prior notice to the public prosecutor, in which event the same shall be dealt with, in accordance with law, on the same day.

**JUSTICE C. PRAVEEN
KUMAR**

28.04.2016
vhb