

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL PETITION No.1205 of 2016

ORDER:

The petitioner, who is accused No.6, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.319 of 2015 of Raidurgam Police Station, Cyberabad, registered against him and others. Initially the case was registered for the offences punishable under Sections 324 read with 34 IPC and later it was altered to Sections 120 B, 307 and 109 IPC.

The case of the prosecution is that on 16.09.2015 at about 6.30 p.m. LW.1 lodged a report stating that on the same day at about 11.30 a.m. some body called on his cell phone No.950580143 and asked for a licence stating that they are waiting with documents at HDFC bank ATM. When the informant went there, four persons were present he asked the said persons to hand over the documents then all of them are alleged to have attacked him with stones, beet bottles and causing injuries on the head, face, right ring finger, near the right eye and thrown him into the bushes. At that time one auto driver who was passing through the road stopped his vehicle and came there. Seeing him all the persons fled away. It is also stated in the report that the informant had disputes with K.Nagamaheswaraiah and Smt. K.Reddi Kumari, Reddy Prasad and Yagnalingam. Basing on these allegations the above case came to be registered.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor appearing for the respondent-State.

Learned counsel for the petitioner submits that even accepting the allegations to be true no offence is made out against the

petitioner. According to him the petitioner is a student studying M.B.A. and a false case has been foisted against him.

Learned Additional Public Prosecutor opposed the application contending that the petitioner is involved in other case vide Cr.No.228 of 2014 of Nandyal II Town Police Station, registered for the offences punishable under Sections 147, 148, 302 read with 34 IPC and Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. He further submits that in the present case all the accused including the petitioner hatched a plan to do away the informant and on 16.09.2015 called the informant on phone and when the informant asked them to hand over the documents, all of them attacked him with stones and beer bottles causing bleeding injuries on his head, face, right ring finger and right eye. Having regard to the nature of allegations made and since the involvement of the petitioner in other crime is reflected in the case diary, the request of the petitioner is rejected. However, the petitioner, if so advised, shall surrender before the Court concerned and make an application for regular bail 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

19.02.2016

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