

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.2849 of 2017

ORDER:

This Criminal Petition under Sections 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed to enlarge the petitioner/A.2 on pre-arrest bail since he is apprehending arrest in connection with Cr.No. 177 of 2016 on the file of Station House Officer, Tadvai Police Station, Nizamabad, registered for the offence punishable under Section 324 r/w 34 IPC (later it was altered to Section 326 IPC).

It is the case of the prosecution that on 5.12.2016 at 7.30 pm one Boda Balram ploughing the land of the *de facto* complainant with a tractor and then the complainant along with others went to the land and asked him about ploughing land with a tractor, then the said Balram informed them that the petitioner herein ordered to plough the land. While so, A. Sailu, Potharaju Latchaiah, Potharaju Balaraju, Anupa Sunitha, A. Sunitha, A. Sujatha and P. Nagamani picked up quarrel with the complainant and due to intervention of elders and her husband, they went away. After half an hour, all the accused went to the house of *de facto* complainant and beat her and her husband with stones and sticks etc., and in the incident, the tooth of the complainant were broken and they also caused extensive damage to her bathroom and thus, the petitioner allegedly committed an offence punishable under Section 326 of IPC. Initially, a crime was registered for the offence under Section 324 r/w 34 IPC and later it was altered to Section 326 IPC as the injury caused by the petitioner and others is grievous in nature.

The main contention of the learned counsel for the petitioner is that when a complaint was lodged by him against the *de facto* complainant for the offence under Section 324 r/w Section 34 of IPC, which was the incident occurred earlier, the *de facto* complainant lodged the present complaint against the petitioner. Therefore, it is a counter blast against the petitioner to wreck vengeance against him. Moreover, the petitioner is a police constable and in event of his arrest, his career would be effected drastically and prayed for pre-arrest bail to the petitioner.

Learned Public Prosecutor for the State of Telangana contend that the investigation is not yet completed and that the petitioner being a police officer has to maintain high degree of discipline and he caused grievous injury on the body of *de facto* complainant and her husband and there he is not entitled to claim pre-arrest bail.

As seen from the material on record, the petitioner though a police constable participated in such an incident causing grievous injury on the body of *de facto* complainant, her husband and son when the *de facto* complainant questioned about ploughing of her land by Ramu. Merely because the petitioner is a constable, he is not supposed to act high handedly and cause injury on the body of the individuals and the petitioner being a police constable is expected to maintain high degree of discipline, since he belongs to a disciplined force, instead of maintaining high degree discipline, the petitioner caused such injuries on the body of *de facto* complainant and others taking advantage of his possession as police constable. No doubt, the arrest of petitioner would effect his

career in view of AP CCA Rules, but that is not a ground to grant pre-arrest bail to the petitioner. If such is the consideration, every employee is entitled to enlarge on pre-arrest bail though committed a serious offence. Therefore, I find that it is not a fit case to grant pre-arrest bail to the petitioner.

However, on perusal of the entire material, I find *prima facie* material against this petitioner to conclude that he committed an offence punishable under Section 326 IPC and there is every possibility of interference with investigation by the petitioner being a police constable. Consequently, I find no merits to allow the present petition and therefore, the petition is liable to be dismissed.

In the result, this Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date:13.04.2017
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Dt.13-04-2017

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