

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4215 of 2017

ORDER:

This petition is filed under Section 438 Cr.P.C. by the petitioner/accused No.3 seeking anticipatory bail in Crime No.86 of 2017 on the file of the Station House Officer, A.S.Nagar Police Station, Vijayawada City, registered for the offences punishable under Sections 323, 354, 506, 509 and 511 read with 34 I.P.C.

2. The learned counsel for the petitioner submitted that the trial Court dismissed the anticipatory bail petition of the petitioner on erroneous grounds. She further submitted that the allegations made in the complaint do not constitute any offence much less the offences alleged to have been committed by the petitioner, who is a physically handicapped person. She also submitted that the *lis* involved between the parties is purely civil in nature; therefore, it is a fit case to grant anticipatory bail.

3. The learned Additional Public Prosecutor submitted that the allegations made in the complaint *prima facie* constitute the offences alleged to have been committed by the petitioner; therefore, it is not a fit case to grant anticipatory bail.

4. A perusal of the record reveals that the petitioner is accused No.3 in Crime No.86 of 2017. It further reveals that the petitioner along with the other accused filed CrI.M.P.No.736 of 2017 in Crime No.86 of 2017 on the file of the Sessions Judge, Mahila Court, Vijayawada, seeking anticipatory bail. The learned Sessions Judge granted anticipatory bail to accused Nos.1 and 2 and dismissed the petition insofar as the petitioner/A.3 is concerned on 02.06.2017 by assigning reasons. A perusal of the record reveals

that the parents of the petitioner borrowed some amount from the *de-facto* complainant and failed to repay the same. It further reveals that on the date of the alleged incident, the petitioner along with the other accused called the *de-facto* complainant to Balaji Rythu Bazar, Vijayawada, assuring that they will repay the amount to her. Believing the version of the accused, the *de-facto* complainant went to the Balaji Rythu Bazar, Vijayawada, along with a copy of the promissory note.

5. As per the allegations made in the complaint, the petitioner herein abused the *de-facto* complainant in filthy language. It is further alleged that the petitioner made an attempt to outrage the modesty of the *de-facto* complainant. The trial Court dismissed the petition insofar as the petitioner/A.3 is concerned taking into consideration the nature of the offences alleged to have been committed by him. The learned District Judge assigned reasons much less valid reasons while dismissing the petition.

6. Having regard to the facts and circumstances of the case and also the nature of the offences alleged to have been committed by the petitioner, this Court is of the view that it is not a fit case to grant anticipatory bail.

7. Accordingly, the Criminal Petition is dismissed. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 31.07.2017
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