

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5848 of 2017

ORDER:

This criminal petition is filed by the petitioners-accused Nos.4, 6, and 9 to 13, under Section 438 Cr.P.C., seeking pre arrest bail in Crime No.53 of 2017 on the file of the Station House Officer, Kubeer Police Station, Adilabad District, registered for the offences punishable under Sections 143, 447, 427 and 307 read with 149 of IPC.

2. The learned counsel for the petitioners submitted that there are longstanding disputes between the petitioners and the *de facto* complainant; therefore, the present case is foisted against the petitioners. He further submitted that even if the allegations made in the complaint are *ex facie* taken to be true and correct, no *prima facie* case is made out against the petitioners. ***Per contra***, learned Additional Public Prosecutor representing the State submitted that it is not a fit case to grant anticipatory bail to the petitioners, in view of pendency of investigation.

3. Banka Anand is the *de facto* complainant. It is the case of the prosecution that on 03.6.2017, at about 12.30 Noon, the petitioners along with other accused formed into an unlawful assembly armed with weapons trespassed into the land of the *de facto* complainant and attacked L.W.2 with an intention to kill him. It is the further case of the prosecution that L.W.2 sustained injuries in the hands of the petitioner and other accused.

4. The petitioners along with other accused filed CrI.M.P. No.489 of 2017 on the file of the Family Court-cum-IV Additional

District and Sessions Judge, Adilabad, under Section 438 of Cr.P.C., and the same was dismissed on 03.7.2017.

5. A perusal of the record *prima facie* reveals the role played by the petitioners in the commission of the alleged offence. The record further reveals that accused Nos.1 to 3, 5, 7 and 8 were arrested and released on bail.

6. Taking into consideration the nature of the offence alleged to have been committed by the petitioners and also the stage of the investigation, this court is of the considered view that it is not a fit case to grant pre arrest bail to the petitioners.

7. In the result, the criminal petition is dismissed.

August 22, 2017
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T.SUNIL CHOWDARY, J

