

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9182 of 2017

ORDER:

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

2. The learned counsel for the petitioners submitted that the petitioners had no intention to kill Banka Ganapathi (L.W.2) and they were falsely implicated in this case. He further submitted that the *de facto* complainant and others are accused in Crime No.54 of 2017 registered for the offence under Section 324 of IPC. *Per contra*, learned Additional Public Prosecutor representing the State submitted that as many as nine persons received injuries in the said incident. He further submitted that the investigation is in progress; therefore, it is not a fit case to grant pre arrest bail to the petitioners.

3. The case of the prosecution is that on 03.6.2017, at about 12.30 pm, the petitioner along with other accused formed into an unlawful assembly, trespassed into the house of L.W.2, beat the *de facto* complainant and others, and attempted to kill L.W.2. Basing on the complaint lodged by the *de facto* complainant, the above case was registered.

4. The petitioners filed CrI.M.P.No.675 of 2017 on the file of the Court of IV Additional District and Sessions Judge-cum-Family

Court, Adilabad, under Section 438 of Cr.P.C., and the same was dismissed on 11.9.2017 on the ground that the investigation is in progress.

5. A perusal of the record reveals that there is a land dispute between the petitioners and L.W.2. The record further reveals that the Police also registered a case in Crime No.54 of 2017 under Section 324 of IPC. The record further reveals that as many as nine persons received injuries in the hands of the petitioners. Whether the petitioners attacked L.W.2 with an intention to kill him or not will come to light during the course of investigation. This is not the stage to express any opinion touching the merits of main case. The record *prima facie* reveals the role played by the petitioner in the commission of offence.

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

7. Accordingly, the criminal petition is dismissed.

T.SUNIL CHOWDARY, J

October 09, 2017
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