

HONOURABLE SRI JUSTICE U. DURGA PRASAD RAO

CRIMINAL PETITION No. 1618 OF 2017.

ORDER:

This petition is filed by Accused Nos.1 to 5 in Crime No.5 of 2017 of PS, Yadamari, Chittoor District, seeking anticipatory bail.

The complainant who is a Police Constable in Yadamari Police Station lodged a complaint stating that on 15.01.2017 at about 2.45 PM, when he was on duty in police station, he received a phone call from one person of Kasiralla Gollapalli village and informed that Accused No.1 of Lagadapaatur village came to Kasiralla Gollapalli village and harassing one girl, by name, Hema. On receiving the said information, the complainant informed the same to SI of Police and went to Kasralla Gollapalli village on his motor cycle and caught hold of A.1 and when he tried to bring him to police station, A.2 to A.5 obstructed him. They came in support of A.1 and objected him for taking A.1 to police station. In that course, they abused him in filthy language, attacked him and thrown him and thereby he suffered an injury. His report was registered as a case in Crime No. 5 of 2017 for the offences punishable under Sections 143, 353, 323, 509 and 149 IPC against A.1 to A.5. The matter is reported to be under investigation.

Learned Counsel for the petitioners/A.1 to A.5 submits that it is a belated report as the incident was occurred on 15.01.2017

whereas report was given by the complainant who is none other than a police constable of same police station on the next day i.e. on 16.01.2017 by falsely implicating the petitioners in the present crime due to grudges. He submits that the petitioners/A.1 to A.5 have not committed the alleged offence and prayed for grant of bail.

While opposing the petition, learned Additional Public Prosecutor submits that investigation is in progress and so far seven witnesses were examined. Referring to the statement of victim girl, K.Hema @ Hemavathi (L.W.2), learned Additional Public Prosecutor submits that her statement would reveal that the accused have obstructed the complainant and attacked him. He thus prayed for dismissal of the petition.

A perusal of the CD file shows that so far seven witnesses were examined. The CD file contains statement of L.W.2–K. Hema @ Hemavathi and her statement support the submission of learned Public Prosecutor to the effect that the complainant was obstructed by the accused from discharging his duties and also with regard to the incident that was occurred on 15.01.2017. In view of the prima facie accusation, gravity of the charges and pendency of investigation, it is not a fit case to grant bail to the petitioners/A.1 to A.5.

The Criminal Petition is accordingly dismissed.

Miscellaneous petitions pending consideration if any in the
Criminal Petition shall stand closed in consequence.

JUSTICE U.DURGA PRASAD RAO

DATED 2ND MARCH, 2017.
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