

**THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY**

**CRIMINAL PETITION No.5474 of 2017**

**ORDER:**

This petition is filed, by the petitioner/accused No.2, under Section 438 Cr.P.C. seeking anticipatory bail in Crime No.32 of 2017 on the file of the Station House Officer, Jami Police Station, Vizianagaram District, registered for the offences punishable under Sections 147, 148, 448, 452, 324 and 323 read with 149 I.P.C.

2. The learned counsel for the petitioner strenuously submitted that the petitioner has no intention to cause injury to wife of *de-facto* complainant and she has not received injury on vital parts; therefore, it is a fit case to grant pre-arrest bail to the petitioner.

3. *Per contra*, the learned Additional Public Prosecutor submitted that the petitioner along with others trespassed into the house of the *de-facto* complainant and caused bleeding injuries to the *de-facto* complainant and his wife. He further submitted that after receiving of the wound certificate, the investigating agency added Section 326 I.P.C. He also submitted that the investigation is in progress; therefore, it is not a fit case to grant pre-arrest bail to the petitioner.

4. The petitioner along with other accused filed CrI.M.P.No.182 of 2017 in Crime No.32 of 2017 on the file of the Court of the I Additional District and Sessions Judge, Vizianagaram under Section 438 of Cr.P.C. The learned I Additional District and Sessions Judge allowed the petition in part granting bail to other

accused and dismissed the petition so far as the petitioner is concerned.

5. A perusal of the record reveals that one Lallan Panday is the *de-facto* complainant. As per the case of the prosecution, on 23.04.2017 at about 3:30 PM the petitioner along with others trespassed into the house of the *de-facto* complainant and beat him on the head. It is the further case of the prosecution that the wife of the *de-facto* complainant sustained grievous injuries in the hands of the petitioner.

6. At the time of arguments, the learned Additional Public Prosecutor submitted that after receiving of the wound certificate, the Station House Officer added Section 326 I.P.C. A perusal of the record reveals that wife of the *de-facto* complainant sustained fracture to her second meta carpal bone of index finger.

7. Taking into consideration the nature of the offences alleged to have been committed by the petitioner as well as the stage of investigation, this Court is of the considered view that it is not a fit case to grant pre-arrest bail to the petitioner.

8. Accordingly, the Criminal Petition is dismissed.

**T.SUNIL CHOWDARY, J**

Date: 17.08.2017  
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