

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5595 of 2017

ORDER:

This petition is filed, by the petitioner/accused No.1, under Section 438 Cr.P.C. seeking anticipatory bail in Crime No.40 of 2017 on the file of the Station House Officer, Iragavaram Police Station, West Godavari District, registered for the offences punishable under Sections 143 and 307 read with 149 I.P.C.

2. The learned counsel for the petitioner submitted that the *de-facto* complainant falsely implicated the petitioner in this case; therefore it is a fit case to grant pre-arrest bail to the petitioner.

3. The learned Additional Public Prosecutor submitted that the investigation is in progress; therefore it is not a fit case to grant pre-arrest bail to the petitioner.

4. As per the case of the prosecution, on 16.04.2017 at about 6:00 AM the petitioner and other accused beat the *de-facto* complainant.

5. This is not the stage to decide whether the petitioner was falsely implicated or not. At this stage, the Court has to consider whether the petitioner is entitled for pre-arrest bail or not. A perusal of the record *prima facie* reveals that the petitioner herein beat the *de-facto* complainant. The record further reveals that accused Nos.2, 4 to 6, 9 and 10 were arrested and released on regular bail. In the same crime, accused No.8 filed Criminal Petition No.3944 of 2017 seeking pre-arrest bail and the same was

dismissed on 27.07.2017. The record clearly reveals the role played by the petitioner.

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

7. Accordingly, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

Date: 21.08.2017

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