

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.8016 of 2017

ORDER:

This petition is filed, by the petitioner-accused No.8, under Section 438 Cr.P.C., seeking anticipatory bail in Crime No.66 of 2017 on the file of the Station House Officer, Yerragonda Palem Police Station, Prakasam District, registered for the offences punishable under Sections 341, 143, 147, 148, 324 and 307 read with 149 of IPC.

2. The learned counsel for the petitioner submitted that the only allegation made against the petitioner is that he along with accused Nos.6, 7 and 9 shouted at the time of the incident. She further submitted that accused Nos.6, 7 and 9 were released on regular bail on 22.7.2017; therefore it is a fit case to grant pre-arrest bail to the petitioner. *Per contra*, learned Additional Public Prosecutor submitted that one of the injured is still taking treatment in the Hospital and the investigation is in progress; therefore, it is not a fit case to grant pre-arrest bail to the petitioner.

3. The case of the prosecution is that on 20.7.2017 at about 4.00 pm, the petitioner along with others armed with deadly weapons and formed into an unlawful assembly with an intention to kill the *de facto* complainant and others. The further case is that the petitioner along with other accused beat the *de facto* complainant and three others.

4. The learned counsel for the petitioner submitted that the petitioner moved anticipatory bail application before the District

Court, Prakasam District and the same was dismissed. While deciding the anticipatory bail applications, the Court has to consider whether there is a *prima facie* case against the petitioner or not.

5. A perusal of the record reveals that the petitioner was very much present at the time of the alleged incident and instigated the other accused to kill the *de facto* complainant and others. The record further reveals that total four persons sustained injuries and one of the injured is still taking treatment in the Hospital. Mere granting of regular bail to accused Nos.6, 7 and 9 will not automatically create any right in favour of the petitioner to grant pre arrest bail. A perusal of the record *prima facie* reveals the role played by the petitioner in commission of the offence.

6. Taking into consideration the nature of the injuries sustained by the victims and 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.

7. Accordingly, the criminal petition is dismissed.

T.SUNIL CHOWDARY, J

Date: 18.09.2017
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