

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6741 of 2017

ORDER:

This criminal petition is filed, by the petitioners-accused Nos.2 to 4, under Sections 437 and 439 of Cr.P.C., seeking bail in Crime No.95 of 2017 on the file of the Station House Officer, Bondapalli Police Station, Vizianagaram District, registered for the offences punishable under Sections 307 and 353 read with 34 of IPC.

2. The learned counsel for the petitioners strenuously submitted that even if the allegations made in the complaint are *ex facie* taken to be true and correct, no *prima facie* case is made out against the petitioners for the offence under Section 307 of IPC. He further submitted that the petitioners never prevented the Sub-Inspector of Police, Parvathipuram Police Station, from discharging his official duties. He also submitted that the petitioners were arrested on 09.7.2017 and even if they were released on bail, there is no chance to tamper with the prosecution witnesses. ***Per contra***, learned Additional Public Prosecutor representing the State submitted that the accused No.1 is still absconding. He further submitted that the petitioner No.1-accused No.2 pushed the Sub-Inspector of Police, who in turn sustained injuries. He also submitted that the investigation is in progress; therefore, it is not a fit case to grant bail to the petitioners.

3. As per the prosecution version, the brother of L.W.3 was kidnapped in connection with which Crime No.91 of 2017 was registered on the file of the Station House Officer, Parvathipuram

Rural Police Station, for the offences punishable under Sections 324 and 347 read with 34 of IPC against the petitioners and accused No.1. On 28.6.2017, the Sub-Inspector of Police, Parvathipuram Rural Police Station received information that the petitioners along with brother of L.W.3 were coming to Bondasingipeta Village. On the same day, at about 1.45 p.m., the petitioners came to the Village in Mahendra Car bearing No.AP 31 DJ 9441. On seeing the petitioners, the Sub-Inspector of Police asked the petitioners about the brother of L.W.3. Thereafter, accused No.1 drove the car in a rash and negligent manner with an intention to kill the Sub-Inspector of Police. It is the further case of the prosecution that petitioner No.1 pushed the Sub-Inspector of Police, who in turn fell on the road and sustained injuries. The petitioners fled away from the spot.

4. The petitioners filed CrI.M.P.No.218 of 2017 on the file of the Court of Principal District and Sessions Judge, Vizianagaram, under Section 439 of Cr.P.C., and the same was dismissed on 24.7.2017 on the ground that the investigation is in progress.

5. A perusal of the record reveals that the petitioners prevented the Police officials from discharging their official duties. The record further reveals that the Sub-Inspector of Police sustained injuries in the hands of petitioner No.1. Immediately after the incident, the petitioners fled away from the spot, which itself *prima facie* reveals the role played by the petitioners in commission of the offence.

6. Taking into consideration the nature of the offences alleged to have been committed by the petitioners as well as the stage of

the investigation, this court is of the considered view that it is not a fit case to grant bail to the petitioners.

7. Hence, the criminal petition is dismissed.

T.SUNIL CHOWDARY, J

August 09, 2017
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