

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6777 of 2017

ORDER:

1 This Criminal Petition is filed, by the petitioner/accused No.1, under Sections 437 and 439 of Cr.P.C., seeking bail in Crime No.31 of 2016 on the file of the Station House Officer, Ambajipet Police Station, East Godavari District registered for the offences punishable under Sections 448 and 302 r/w 34 of IPC.

2 The learned counsel for the petitioner strenuously submitted that the police investigated into the matter and filed charge sheet, therefore, the petitioner deserves to be enlarged on bail.

3 ***Per contra***, the learned Public Prosecutor representing the State submitted that the petitioner is a habitual offender involved in number of cases. He further submitted that the petitioner is accused in Cr.No.36 of 2016 for the offence punishable under Sections 302, 380 and 201 r/w 34 of IPC and various other crimes, therefore, it is not a fit case to grant bail to the petitioner.

4 The facts leading to filing of the present petition, briefly, are as follows:

5 As per the version of the prosecution, on 14.3.2016 at about 10.30 AM, the petitioner along with others trespassed into the house of one Ravuri Kotaiah @ China Kotaiah and indiscriminately beat him due to which China Kotaiah sustained injuries on various parts of his body. In this connection, the police initially registered a case in Cr.No.31 of 2016 for the offences punishable under Sections 448, and 307 r/w 34 of IPC. While taking treatment China Kotaiah died in the

hospital. Thereafter, the police altered the section of law to 448 and 302 r/w 34 of IPC.

6 A perusal of the record reveals that the petitioner was apprehended on 07.04.2016 and remanded to judicial custody. A perusal of the record clearly reveals that the petitioner is involved in different crimes for different offences of Ambajipet Police Station, which are thus:

Cr.No.	Name of the Police Station	Offences
89/2009	Ambajipet	457 and 380 IPC
76/2012	Ambajipet	324 r/w 34 IPC
36/2016	Ambajipet	302, 380 and 201 r/w 34 IPC
27/2013	Ambajipet	302, 376 r/w 511 r/w 34 of IPC and Section 3 (2) (v) of S.C & S.T (PoA) Act, 1989.

7 A perusal of the record prima facie reveals the conduct of the petitioner. In such circumstances, if the petitioner, who is involved in number of cases, is released on bail, the possibility of committing similar type of offences by him cannot be ruled out completely.

8 Taking into consideration the nature of the offences alleged to have been committed by the petitioner as well as the previous conduct of the petitioner, this Court is of the considered view that this is not a fit case to grant bail to the petitioner.

9 In the result, the petition is dismissed.

T.SUNIL CHOWDARY, J

Date: 10th August 2017
Kvsn