

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6453 of 2017

ORDER:

This criminal petition is filed by the petitioner-accused No.2, under Section 438 of Cr.P.C., seeking pre arrest bail in Crime No.63 of 2017 on the file of the Station House Officer, Allavaram Police Station, East Godavari District, registered for the offences under Sections 307 and 324 read with 34 of IPC.

2. One Nagabhushanam is the *de facto* complainant. It is the case of the prosecution that on 23.4.2017, the petitioner along with other accused beat the *de facto* complainant with beer bottles with an intention to kill him on the ground that he did not join the group of one Ch.Ramakrishna.

3. The petitioner filed Crl.M.P. No.800 of 2017 on the file of the Court of II Additional District & Sessions Judge, East Godavari District at Amalapuram, under Section 438 of Cr.P.C., and the same was dismissed on 11.7.2017 on the ground that the petitioner involved in eleven (11) cases.

4. The learned counsel for the petitioner submitted that the petitioner was falsely implicated in this case. Whether the petitioner was falsely implicated or not will come to light during the course of investigation. He further submitted that there is a delay of three days in lodging the complaint with the Police. Mere delay in lodging the complaint itself does not automatically entitle the petitioner for the relief of anticipatory bail.

5. A perusal of the Case Diary reveals that the petitioner involved in sixteen cases and rowdy sheet was opened against the petitioner. As rightly pointed out by the learned Additional Public Prosecutor, if the anticipatory bail is granted to the petitioner, the possibility of threatening the witnesses by the petitioner cannot be ruled out.

6. Taking into consideration the nature of the offences alleged to have been committed by the petitioner, the stage of the investigation and other attending circumstances, I am of the considered view that it is not a fit case to grant anticipatory bail to the petitioner.

7. Accordingly, the criminal petition is dismissed.

August 24, 2017
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T.SUNIL CHOWDARY, J

