

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION NO.9474 OF 2017

ORDER:

1 This petition is filed under Section 438 Cr.P.C. by the petitioner seeking pre-arrest bail in Cr.No.314 of 2017 on the file of Station House Officer, Ananthapuramu I Town Police Station, Anantapur District, registered for the offences punishable under Sections 420, 354, 307 and 506 IPC.

2 Learned counsel for the petitioner submitted that the petitioner was falsely implicated in this case as he refused to work in the crusher unit of the husband of the de-facto complainant. He further 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 petitioner; therefore, it is a fit case to grant pre-arrest bail to the petitioner. He further submitted that obtaining of the information from the Civil Surgeon RMO, Government General Hospital, Ananthapuram under Right to Information Act is the changed circumstance to be considered by the Court. *Per contra*, learned Additional Public Prosecutor representing the State submitted that the de-facto complainant sustained injuries on various parts of the body; therefore, it is not a fit case to grant pre-arrest bail to the petitioner.

3 The case of the prosecution is that the petitioner induced the de-facto complainant to part with an amount of Rs.20,00,000/-. It is the further case of the prosecution that on 12.07.2017, the petitioner inflicted knife injuries on the de-facto complainant.

4 Learned counsel for the petitioner submitted that there is a delay of 9 days in lodging the complaint. Mere delay in lodging the complaint by itself is not a valid ground to grant anticipatory bail to the petitioner without taking into consideration the other attending circumstances. The victim lodged the complaint after her husband returned to the village.

5 This Court dismissed the earlier bail application CrI.P.No.8018 of 2017 on 13.09.2017 by making an observation that the victim received four injuries on different parts of the body. The petitioner filed an application under the Right to Information Act and the same was returned with an endorsement "As a general rule no information concerning patient should be released to another person without the written consent of the patient (Medical Record in Hospital are fully confidential)". The medical record clearly reveals that the victim visited the hospital, obtained the medical certificate and lodged the complaint.

6 A perusal of the record reveals that the petitioner entered into the house of the de-facto complainant in the absence of her husband and caught hold of her hand. As per the allegations made in the complaint, the petitioner inflicted knife injuries on the victim. When the neighbours made hue and cry, the petitioner left the house. The allegations made in the complaint reveal the conduct of the petitioner. Mere receiving of information under the Right to Information Act by itself is not a changed circumstance from the date of dismissal of the previous bail application till date. In fact, the medical certificate produced by the prosecuting agency clearly

reveals that the victim, who is a lady, received four injuries on different parts of the body.

7 The learned Additional Public Prosecutor submitted that the investigation is in progress. Taking into consideration the gravity of the offence alleged to have been committed by the petitioner as well as the stage of investigation, this Court is of the considered view that this is not a fit case to grant anticipatory bail to the petitioner.

7 Accordingly, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

Date: 13.10.2017.
kvsn

