

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION NO.5933 OF 2017

ORDER:

Petitioner, who is A2 in Cr.No.129 of 2017 on the file of Station House Officer, Yemmiganur Police Station, Kurnool District, registered for the offences punishable under Sections 323 and 307 r/w 34 IPC, filed this petition under Section 438 Cr.P.C. seeking anticipatory bail.

2. Learned counsel for the petitioner strenuously submitted that basing on the complaint lodged by the son of the petitioner, the Station House Officer, Yemmiganur Police Station registered a case in Cr.No.130 of 2017 against the de facto complainant for the offences punishable under Sections 323 and 324 r/w 34 IPC. He further submitted that no specific overt-act is attributed against the petitioner; therefore it is a fit case to grant pre-arrest bail to the petitioner. **Per contra**, learned Additional Public Prosecutor representing the State submitted that the petitioner played key role in the commission of offence. He further submitted that the investigation is still in progress; therefore, it is not a fit case to grant pre-arrest bail to the petitioner.

3. The facts leading to filing of the present petition are briefly as follows: On 12-06-2017 when the de facto complainant was proceeding to his house from the workplace on a motorcycle, the petitioner along with his sons-A2 and A3 stopped him in front of their house. It is the further case of the prosecution that they pulled the de facto complainant from the motorcycle and beat him with an intention to kill him. Basing on the complaint lodged by the de facto complainant, police registered the above case.

4. A perusal of the record reveals that the de facto complainant lodged a complaint to the police on 12-06-2017 at about 11.45 A.M., whereas the son of the petitioner lodged the complaint to the police on 12-06-2017 at about 1.00 P.M., The complaint lodged by the de facto complainant is prior one. Even as per the allegations made in Cr.No.130 of 2017, some untoward incident had taken place in front of the house of the petitioner. A perusal of the record *prima facie* reveals the role played by the petitioner in the commission of offence.

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

6. Accordingly, the Criminal Petition is dismissed.

DATED: 22-08-2017.
Hsd

T.SUNIL CHOWDARY, J