

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5534 of 2017

ORDER:

This criminal petition is filed, by the petitioner-accused, under Section 438 Cr.P.C., seeking pre arrest bail in Crime No.136 of 2017 on the file of the Station House Officer, Chityal Police Station, registered for the offence punishable under Section 307 of IPC.

2. The learned counsel for the petitioner submitted that due to boundary dispute, the petitioner was falsely implicated in this case. He further submitted that Kandi Malla Reddy, who is the brother of the *de facto* complainant, received only simple injuries; 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 inflicted injuries on the head of Malla Reddy with an axe, due to land dispute. He further submitted that the petitioner also an accused in Crime No.268 of 2014 on the file of the Station House Officer, Chityal Police Station, for the offences punishable under Sections 324 and 506 of IPC. He further submitted that the investigation is in progress; therefore, it is not a fit case to grant bail to the petitioner.

3. Kandi Dharma Reddy is the *de facto* complainant. As per the prosecution version, on 08.6.2017, at about 8.30 p.m., the petitioner went to the house of the *de facto* complainant and enquired about his brother Malla Reddy. It is the further case of the prosecution that the petitioner beat Malla Reddy with an axe on the head and caused injuries.

4. The petitioner filed CrI.M.P. No.830 of 2017 on the file of the Court of Principal Sessions Judge, Warangal, under Section 438 of Cr.P.C., and the same was dismissed on 23.6.2017.

5. A perusal of the record reveals that there is a land dispute between the petitioner and the *de facto* complainant. In order to resolve the dispute, a panchayat was scheduled to be held on 12.6.2017 by the elders headed by Upa Sarpanch of the village. The record further reveals that the petitioner caused head injury to Malla Reddy. The record further reveals that the investigation is in progress. While deciding the petitions under Section 438 of Cr.P.C., the Court has to take into consideration the gravity of the offence alleged to have been committed by the petitioner. In the instant case, the victim sustained head injury in the hands of the petitioner.

6. Taking into consideration the nature of the offences alleged to have been committed by the petitioner and the stage of the investigation, this court is of the considered view that it is not a fit case to grant pre arrest bail to the petitioner.

7. In the result, the criminal petition is dismissed.

T.SUNIL CHOWDARY, J

August 18, 2017
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