

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No. 3854 OF 2017

ORDER:

The present Criminal Petition is filed under Sections 438 of the Code of Criminal Procedure, 1973, requesting to grant anticipatory bail in FIR No.61 of 2016 of Eturnagaram Police Station, erstwhile Warangal District, Telangana State.

2. The petitioner herein is sole accused in the aforesaid crime. He alleged to have committed the offences punishable under Sections 323, 324 and 506 IPC initially and later Section 324 was altered to Section 326 IPC by way of addition.

3. Heard Sri P. Giri Krishna, learned counsel for the petitioner, and the learned Additional Public Prosecutor for the State of Telangana.

4. The learned counsel advanced elaborate arguments and tries to impress upon this Court that there was civil dispute in regard to the subject plot between *de facto* complainant and the petitioner and he has also filed certain correspondence including memo, dated 04.40.2016, from the office of Revenue Divisional Officer of Mulugu, wherein an enquiry being initiated concerning ownership of the land, as it falls in Agency Area and only the scheduled tribes alone can own the land but not others, and the *de facto* complainant does not belong

to Tribe. It is, therefore, his submission that though, the petitioner went to the plot on the date of incident, but the fact is that she did not beat anybody with crowbar as alleged in the complaint, and the very fact that a delay of three days the complaint was lodged would give rise to any amount of suspicion as to the very genesis of the case; that injured, who sustained grievous injury, sustained it in some other manner but not in the hands of the petitioner and, thus, sought to grant anticipatory bail. However, the learned counsel also made a request to give a direction, in case the Court does not incline to grant anticipatory bail, to permit the petitioner to surrender before the learned Magistrate's Court concerned and make an application for regular bail and on such application, to direct the learned Magistrate to dispose of the bail application on the very same day.

5. The learned Additional Public Prosecutor opposed the request and submitted Case Diary File, which contains photostat copy of Medical Certificate issued by Civil Assistant Surgeon, Community Health Centre, Eturnagaram, erstwhile Warangal District, showing the injury sustained by Pujari Thirumala was grievous in nature and it was fracture of first radial bone confirmed by X-ray report. In such an event, it is difficult to grant anticipatory bail though, the petitioner is working as a Teacher and she has been regularly attending the school as could be seen from the Certificate filed by her issued by the Deputy

Educational Officer, Agency ITDA Eturnagaram, Jayshankar -
Bhupalpally District.

6. Be that as it may, however, the last submission made by the learned counsel can be acceded to. The petitioner is given liberty to surrender herself before the concerned learned Magistrate's Court and make an application for grant of bail, and on her making application, the learned Magistrate shall dispose of such bail application on the very same day in accordance with law. It is also observed that the petitioner shall give intimation in advance to the learned Assistant Public Prosecutor or the learned Additional Public Prosecutor, as the case may be, as to moving of regular bail application.

Accordingly, the Criminal Petition is dismissed.

July 07, 2017.
Mgr

A. SHANKAR NARAYANA, J