

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6420 of 2017

ORDER:

This criminal petition is filed, by the petitioner-accused No.1, under Section 438 Cr.P.C., seeking pre-arrest bail in Crime No.168 of 2017 on the file of Station House Officer, Adilabad Town Police Station, Adilabad District, registered for the offences punishable under Sections 504 and 307 read with 34 IPC.

2. Learned counsel for the petitioner strenuously submitted that the petitioner and other accused were falsely implicated by the *de facto* complainant in order to avoid return of money to the petitioner. He further submitted that the *de facto* complainant has not received any injuries; therefore, no *prima facie* case is made out against the petitioner for the offence punishable under Section 307 IPC. ***Per contra***, learned Additional Public Prosecutor submitted that the *de facto* and L.Ws.2 to 4 have received knife injuries in the hands of the petitioner and other accused; therefore, it is not a fit case to grant pre-arrest bail to the petitioner.

3. It is the case of the prosecution that on 28.06.2017 at about 5:30 PM, the petitioner and other accused demanded the *de facto* complainant for return of Rs.8,000/- and beat him with chappal. Thereafter, when the *de facto* complainant was proceeding to lodge a complaint, the petitioner herein along with other accused caused bleeding injuries to *de facto* complainant and L.Ws.2 to 4 at Vinayak Chowk.

4. The petitioner filed CrI.M.P.No.555 of 2017 on the file of Principal District and Sessions Judge, Adilabad and the same was dismissed on 18.07.2017.

5. A perusal of the record reveals that the petitioner herein inflicted injuries on the *de facto* complainant and L.Ws.2 to 4. A perusal of the record, *prima facie* reveals that the petitioner beat the *de facto* complainant with chappal. Learned counsel for the petitioner submitted that accused Nos.2 and 3 were arrested on 29.06.2017 and thereafter, released on regular bail. Mere releasing of accused Nos.2 and 3 on regular bail that itself would not automatically entitle the petitioner for the relief sought by him. A perusal of the record reveals that the investigation is in progress. Taking into consideration the nature of 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.

6. Accordingly, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

AUGUST 28, 2017
YVL

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Date:28.08.2017