

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.8556 of 2017

ORDER:

This petition is filed, by the petitioners-accused Nos.4 and 5, under Section 438 Cr.P.C., seeking anticipatory bail in Crime No.75 of 2017 on the file of the Station House Officer, Nandivada Police Station, Krishna District, registered for the offences punishable under Sections 307 and 324 read with 34 I.P.C.

2. The learned counsel for the petitioners submitted that the petitioners were falsely implicated in this case. He further submitted that accused Nos.1 to 3 were arrested; therefore, it is a fit case to grant pre-arrest bail to the petitioners.

3. The learned Additional Public Prosecutor submitted that specific overt acts were attributed to the petitioners. He further submitted that two persons received injuries in the hands of the petitioners; therefore, it is not a fit case to grant pre-arrest bail to the petitioners.

4. The case of the prosecution is that on 11.08.2017 at about 5:00 PM the petitioners along with the other accused beat the wife of the *de facto* complainant and others with an intention to kill them. Basing on the complaint lodged by one Raju Pandu, the police registered the above case.

5. The petitioners filed Crl.M.P.No.385 of 2017 on the file of the Court of the XI Additional District and Sessions Judge, Krishna at Gudivada and the same was dismissed on 05.09.2017. A perusal of the record reveals that basing on the complaint lodged by accused

No.1, Crime No.76 of 2017 was registered against the *de facto* complainant group.

6. The learned counsel for the petitioners submitted that the *de facto* complainant group are the aggressors. Who are the aggressors has to be decided at the time of trial. If this Court expresses any opinion on this aspect, the same may cause prejudice to one of the parties to the proceedings. While deciding the anticipatory bail petitions, the Court has to consider whether there is any *prima facie* material against the petitioners or not. As per the prosecution version, the petitioners herein beat the wife of the *de facto* complainant by name Surya Kumari with a stick. A perusal of the record reveals that petitioner No.2 beat the father of the *de facto* complainant. In order to appreciate the contention of the learned counsel for the petitioners, this Court carefully perused the wound certificate. A perusal of the wound certificate reveals that the victims received injuries on the head and other parts of the body. A perusal of the record *prima facie* reveals the role played by the petitioners in the commission of the offence.

7. Taking into consideration the nature of the offences alleged to have been committed by the petitioners, this Court is of the considered view that it is not a fit case to grant pre-arrest bail to the petitioners.

8. Accordingly, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

Date: 10.10.2017
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