

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.2662 of 2017

ORDER:

This criminal petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed by the petitioner/ A.2 seeking direction against the Station House Officer, Jangaon, Warangal District, to release him on bail in the event of his arrest in connection with Crime No.86 of 2017 registered for the offences punishable under Sections 307 read with 34 of the Indian Penal Code, 1860 (for short 'I.P.C.'), apprehending his arrest.

The case of the prosecution, in brief, is that the *de facto* complainant – D.Priyanka lodged the complaint alleging that on 03.03.2017 at about 6.30 a.m. the petitioner along with A.1 came to her father and had a talk with him. After some time, her father answered that he will meet again tomorrow and left to the railway station at about 6.45 a.m., and at about 7.00 a.m. her mother received a call from Government Hospital, Janagaon, that her father admitted in hospital and immediately she along with her mother proceeded to the hospital and found injuries on his body and that her father disclosed that Upash/A.1 attacked him with talwar and made an attempt to kill him and as such he received bleeding injury on hand and head. On the strength of the allegations, the police registered the crime.

The contentions of the counsel for the petitioner are that no specific overt acts were attributed to the petitioner, his presence was not disclosed at the time of incident thereby, there is no *prima facie*, material to conclude that he committed the offence punishable under

Section 307 read with 34 of I.P.C. and prayed to grant pre-arrest bail to the petitioner.

The public prosecutor for the state of Telangana would contend that Upash/ A.1 attacked father of the *de facto* complainant with talwar and as such he received bleeding injury on the head and the material on record would show that the petitioner also joined with A.1 and as such he is also punishable under Section 307 read with 34 of I.P.C.

As seen from the material on record would show that at about 6.30 a.m. the petitioner and A.1 came to the house of the *de facto* complainant to talk with her father and later within 25 minutes, this incident of hacking took place near under bridge of the railway station. The petitioner is one of the parties who shared common intention. When an criminal act was done by several persons in furtherance of common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone. Thus, the petitioner, being one of the accused persons, shared the common intention under Section 34 of I.P.C. as such he is equally liable along with A.1, who made an attempt to hack the father of the *de facto* complainant with talwar with an intention to kill him. Thus, the petitioner is also equally liable for the offence.

The contention of the counsel for the petitioner is that there is no allegation in the entire complaint against the petitioner.

No doubt the complaint is totally bereft of all facts regarding actual participation of the petitioner, but that by itself is not a ground, it is only an intimation about the occurrence of the cognizable offence to set the criminal law into motion and the F.I.R. is not an encyclopedia of facts and it need not contain minute details.

However, the statement of the injured recorded by the police would clearly show that the role of the petitioner along with A.1, therefore, he is also liable for the act committed by A.1. The absence of details in the complaint is not a ground to grant pre-arrest bail to the petitioner. Taking into consideration the facts and circumstances of the case, I find that it is not a fit case to enlarge the petitioner on pre-arrest bail and the criminal petition is liable to be dismissed.

In the result, the criminal petition is dismissed.

M.SATYANARAYANA MURTHY, J

10.04.2017
BV

