

HONOURABLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.1032 of 2017

ORDER:

This Criminal Petition, under Section 438 of the Criminal Procedure Code, 1973, is filed by the petitioner/accused to enlarge him on bail in the event of his arrest, as he is apprehending arrest in connection with Crime No.226 of 2016 on the file of Tiruchanoor Police Station, Tirupati, registered for the offences punishable under Sections 354, 323 and 506 IPC.

2. The case of the prosecution in brief is that one T. Gayathri, who was selling bangles near electrical department office room at Tiruchanoor, lodged a complaint alleging that one P.Munirathnam Reddy was following her and harassing her for the last four days prior to 31.10.2016 and on 31.10.2016 at about 5.00 a.m when she was selling bangles near electrical department office room at Tiruchanoor where petitioner came and tried to snatch the mobile phone and then she went inside electrical office but petitioner abused her in filthy language, beat her with hands and kicked with legs and pushed her down and he beat her on her private parts, thus, the petitioner has committed the offence punishable under Sections 354, 323 & 506 IPC.

3. The main contention of the petitioner is that there is a delay of 5 days in lodging the complaint, therefore, it is a ground to enlarge the petitioner on pre-arrest bail. Whereas, the learned Public Prosecutor

for the State of Andhra Pradesh, appearing for respondent opposed the same and contended that the investigation has not completed but so far only five witnesses were examined and there is every possibility of interfering with further investigation in the event the petitioner is enlarged on bail and prays this Court to dismissed the petition.

4. As seen from the complaint, the incident took place on 31.10.2016, whereas the complaint was lodged on 4.11.2016 with delay of five days. However, the case was registered for the offences punishable under Section 354 viz., outraging the modesty of a woman. Mere failure to give a complaint immediately by itself is not a ground to enlarge the petitioner on bail, prima facie the petitioner committed an offence. In any view of the mater, witnesses examined so far clearly stated that the petitioner has committed such a heinous offence in Tiruchanoor and their statements support the case of the prosecution. Hence, I find prima facie material against the petitioner to conclude that the petitioner has committed the offence punishable under Sections 354, 323 & 506 IPC and there is every possibility of interfering with further investigation, in the event, the petitioner is enlarged on bail, as investigation is in the mid way.

5. Accordingly, this Criminal Petition is dismissed. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

JUSTICE M. SATYANARAYANA MURTHY

Date: 13.02. 2017
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