

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.7721 of 2017

ORDER:

This criminal petition is filed by the petitioner-accused No.1, under Section 438 of Cr.P.C., to grant pre arrest bail in Crime No.46 of 2017 on the file of the Station House Officer, Korisapadu Police Station, Prakasam District, registered for the offences under Sections 365, 342, 324, 323, 506 and 306 read with 34 of IPC and Sections 3(2)(v) and 5(a) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

2. The learned counsel for the petitioner submitted that the petitioner was falsely implicated in this case due to previous disputes. He further submitted that even if the allegations made in the complaint are *ex facie* taken to be true and correct, no *prima facie* case is made out against the petitioner. *Per contra*, learned Additional Public Prosecutor representing the State submitted that the allegations made in the complaint *prima facie* constitute the offences alleged to have been committed by the petitioner and the investigation is in progress; therefore, it is not a fit case to grant pre arrest bail to the petitioner.

3. The case of the prosecution is that on 16.8.2017, at about 08.00 pm, the petitioner along with other accused caught-hold one Yarramothu Venu (the deceased), tied him to a neem tree in Korisapadu Village, and beat him indiscriminately. The further case is that the petitioner along with other accused insulted the deceased and others in the name of their caste. Due to the incident that occurred on 16.8.2017, the deceased committed suicide.

Basing on the complaint lodged by the *de facto* complainant i.e., the father of the deceased, the above case was registered.

4. A perusal of the record reveals that there were misunderstandings between the petitioner and the *de facto* complainant. The record further reveals that on 16.8.2017, the petitioner along with others beat the deceased on the ground that he was teasing the daughter of the petitioner. A perusal of the record *prima facie* reveals the role played by the petitioner in the commission of the offence.

5. Taking into consideration the gravity of the offence alleged to have been committed by the petitioner and the stage of investigation, this Court is of considered view that it is not a fit case to grant pre arrest bail to the petitioner.

6. Accordingly, the Criminal Petition is dismissed.

October 05, 2017
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T.SUNIL CHOWDARY, J