

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4748 of 2017

ORDER:

This petition is filed, by the petitioners/accused Nos.1 and 2, under Section 438 Cr.P.C. seeking anticipatory bail in Crime No.08 of 2017 on the file of the Station House Officer, Munchingput Police Station, Visakhapatnam District, registered for the offences punishable under Sections 326 and 324 read with 34 I.P.C.

2. The facts leading to filing of the present petition are briefly as follows:

One Kotcha Govindu is the *de-facto* complainant. As per the prosecution version, on 14.03.2017 at about 6:00 PM the petitioners herein went to the house of the *de-facto* complainant, beat him and his wife indiscriminately. The petitioners herein filed CrI.M.P.No.191 of 2017 on the file of the XII Additional District and Sessions Judge, Visakhapatnam, under Section, 438 Cr.P.C., and the same was dismissed.

3. The learned counsel for the petitioners strenuously submitted that the *de-facto* complainant falsely implicated the petitioners in view of the previous land disputes. He further submitted that the petitioners herein sustained simple injuries; therefore, it is a fit case to grant pre-arrest bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the *de-facto* complainant sustained grievous injuries and the wife of the *de-facto* complainant sustained simple injuries in the hands of the petitioners; therefore, it is not a fit case to grant pre-arrest bail

to the petitioners. He further submitted that the investigation is in progress and if the petitioners are released on bail, there is every chance to tamper the prosecution witnesses.

5. A perusal of the record reveals that there are some land disputes between the petitioners and the *de-facto* complainant. The record further reveals that on 14.03.2017 the petitioners went to the house of the *de facto* complainant and beat him and his wife. The record also reveals that the *de facto* complainant sustained fracture injuries whereas his wife received simple injuries in the hands of the petitioners. In the order dated 11.04.2017 in CrI.M.P.No.191 of 2017, the trial Court made an observation that the Station House Officer made an attempt to serve notices under Section 41A Cr.P.C. to the petitioners, but they were absconding.

6. 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.

7. Accordingly, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

Date: 04.08.2017
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