

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.2424 of 2017

ORDER:

This Criminal Petition under Sections 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed to enlarge the petitioner on pre-arrest bail since he is apprehending arrest in connection with Crime No.25 of 2017 on the file of Bellampalli II Town Police Station, Adilabad District (presently in Mancherial District) registered for the offences punishable under Sections 353, 294(b), 323, 324 and 506 IPC.

The petitioner is the Assistant Sub Inspector of Police; whereas, the *de facto* complainant is Sub Inspector of Police. While the *de facto* complainant was discharging his duties in writer's computer room, the petitioner, in inebriated state, entered into the room and abused him in filthy language and caused injuries on the body of *de facto* complainant. Based on such incident, a complaint was lodged by the SI of Police, Bellampalli II Town P.S. as he himself is the Station House Officer where the incident took place.

The contention of the learned counsel for petitioner is that there is delay in lodging the complaint and as the petitioner is subordinate to *de facto* complainant, he made a false complaint due to personal reasons and as such, the petitioner is entitled to claim pre-arrest bail.

Learned Public Prosecutor for the State of Telangana opposed the petition on the ground that there is material on record

to conclude, *prima facie*, that he committed offences punishable 353, 294(b), 323, 324 and 506 IPC.

A perusal of the entire complaint, when the *de facto* complainant is working on the computer, which is in the writer's room, this petitioner, by name K. Mallesh, ASI, came in a drunken state and switched off the lights, then the *de facto* complainant questioned him as to why he switched off the lights when he was working on the computer, he immediately closed the doors and bolted the doors inside and abused him as " Are nuvvu SI Vara Nuvvara Naku Cheppedi Lanjakodaka Ippudu Champuta Yemichestavura" and while saying so, he took a chair available in the same room by the side of *de facto* complainant and beat him on his left hand, as a result of which, the *de facto* complainant received an injury when he tried to ward off the blow with a chair by the petitioner and apprehending danger to his life, he ran away from the room removing the bolt of the doors. The incident occurred during night and the petitioner/ ASI, being subordinate to *de facto* complainant, committed such an act, which is not expected from him being a member of disciplined force, who are under obligation to keep the law and order well under their control as he himself gone to an extent of abusing his higher official in filthy language while he was discharging his duty and beat him with the chair, which is a serious offence.

However, it is contended that there is delay in lodging the complaint, but that delay is not a ground to grant pre-arrest bail as the *de facto* complainant is able to explain the delay during investigation and on the other hand, it is not their case that there

were any prior disputes between them and in such a case, the delay is insignificant. Therefore, I find no ground to enlarge the petitioner on pre-arrest bail and therefore, this Criminal Petition is liable to be dismissed.

Accordingly, this Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this case, shall stand closed.

M. SATYANARAYANA MURTHY, J

March 30, 2017
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Dt.30-03-2017

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