

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.745 OF 2017

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in Crime No.215 of 2016 of Repalle Town Police Station, registered for the alleged offence punishable under Section 307 of I.P.C., apprehending his arrest in the above crime.

Petitioner herein is accused and Mummalaneni Sreedhar is the defacto complainant.

The case of the prosecution, in brief, is as follows:

On 22-11-2016, the defacto complainant went to irrigation office at Repalle to find out the stage of the bills to be released belonging to his friend for contract works and about the release of the water for crop and while he was discussing with Kuchipudi Mohan Rao president of Water Users Association of Adavula Deevi in the office, one Koduru Ramakrishna came there with knife and cut his left side neck, left chest and head and thereby, he sustained grievous injuries, on the ground that the defacto complainant is spoiling his contract works and thereafter, the defacto complainant was taken to Repalle Government Hospital by Kuchipudi Mohan Rao and was treated by the doctor and he was examined by police and basing on his complaint, a case in the above crime was registered for the offence punishable under the section referred supra.

The contention of the petitioner is that injuries sustained by him are not grievous in nature and the offence if any allegedly committed by him would not attract the offence punishable under Section 307 of I.P.C. and that he had no intention at the time of alleged incident and apart from that major part of investigation is completed.

During hearing, learned Public Prosecutor for the State of Andhra Pradesh produced medical certificate issued by Aayush NRI LEPL Health Care Pvt. Ltd., dated 22-11-2016 and also wound certificate issued by Government Hospital, Repalli while referring the injured to GGH, Guntur by letter dated 22-11-2016.

As per certificate issued by Government Hospital, Repalle, the defacto complainant sustained the following three inquiries:

- 1) *14 X 1 cm incised wound in left parietal region.*
- 2) *15 X ½ cm incised wound on left side of neck.*
- 3) *3 x ½ cm incised wound on left side of chest portion.*

These injuries are on vital parts.

The injuries on vital parts itself indicate the intention of the petitioner to do away with the life of the complainant and that the investigation in this case is not yet completed.

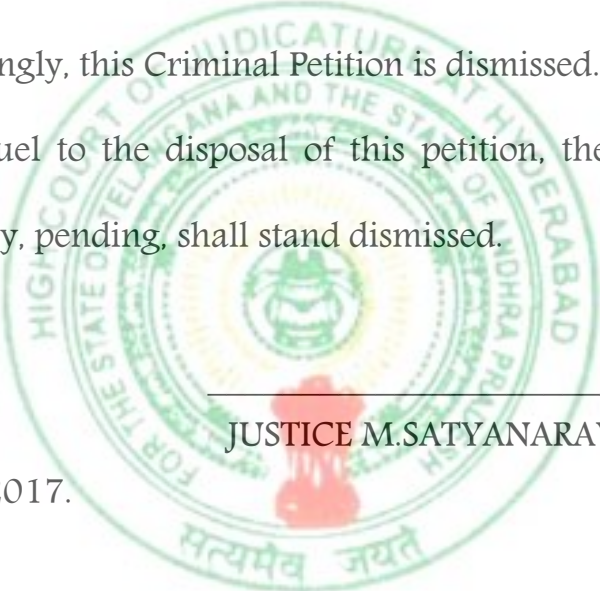
No doubt, there is discrepancy in the Wound Certificate issued by Aayush NRI LEPL Health Care Pvt. Ltd., and the Medical certificate issued by Repalle Government Hospital but even in wound certificate issued by Aayush NRI LEPL Health Care Pvt. Ltd., the injury found on the body was closed head injury.

Hence, it is not a ground. This injury correlates with an incised wound found on parietal region. Therefore, there is prima facie material to conclude that the petitioner committed such an offence punishable under Section 307 of I.P.C. and there is possibility of interference by the petitioner with further investigation in the event of his enlargement on pre-arrest bail.

Hence, it is not a fit case to enlarge the petitioner on pre-arrest bail in the event of his arrest and as such, this petition is liable to be dismissed.

Accordingly, this Criminal Petition is dismissed.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.



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JUSTICE M.SATYANARAYANA MURTHY

Dated 14-2-2017.

Dvs.

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY



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Dvs