

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9499 of 2017

ORDER:

1 This Criminal Petition is filed, by the petitioner/accused No.8, under Section 438 Cr.P.C., seeking anticipatory bail in Crime No.5 of 2017 on the file of the Station House Officer, Hiramandalam Police Station, Srikakulam district registered for the offences punishable under Sections 353, 323, 341, 506, 147, 148 r/w 149 of IPC and Section 7(1)(a) of Criminal Amendment Act 1932.

2 The learned counsel for the petitioner strenuously submitted that the petitioner was falsely implicated in this case by the police. He further submitted that the Government acquired the land of the petitioner and other ryots without paying compensation. He further submitted that even if the allegations made in the complaint are ex facie taken to be true and correct, no case is made out against the petitioner, therefore, it is a fit case to grant pre arrest bail to the petitioner.

3 ***Per contra***, the learned Public Prosecutor representing the State submitted that the petitioner is instigating the other ryots and is not allowing the officials from discharging their duties. He further submitted that the petitioner along with others beat the officials.

4 The case of the prosecution is that on 21.01.2017 when the work of Vamsadhara Project was in progress at Garlapadu village, the petitioner along with others pelted stones against the officials. It is the further case of the prosecution that the petitioner beat the Engineers and PRO of Soma Company. A perusal of the record reveals that investigation is still in progress. The record further

reveals that the petitioner is an accused in Cr.Nos.4, 6, 7, 8, 9, 10, 43, 53 and 57 of 2017 of Hiramandalam Police Station for the offences punishable under Sections 147, 148, 341, 323, 353, 506, 427, 188 r/w 149 of IPC and Section 7(1)(a) of Criminal Amendment Act 1932 and Section 3 (1) of PDPP Act. It shows that the petitioner involved in number of cases.

5 Taking into consideration the facts and circumstances of the case and the nature of the allegations made against the petitioner, this Court is of the considered view that this is not a fit case to grant anticipatory bail to the petitioner.

6 In the result, the petition is dismissed.

Date: 26th October, 2017
Kvsn

T.SUNIL CHOWDARY, J

