

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

MONDAY, THE TWENTIETH DAY OF NOVEMBER,
TWO THOUSAND AND SEVENTEEN
: PRESENT:

THE HON'BLE DR JUSTICE **SHAMEEM AKTHER**

CRIMINAL PETITION No. 11017 of 2017

Between:

S.Srinivasa Reddy, S/o. Sri S.Narasimha Reddy

Petitioner

(Accused No.2 in Cr.No.351/2017
of Kurnool III Town P.S., Kurnool Dist)

AND

The State of A.P., The Station House Officer, Kurnool III Town Police Station, Kurnool,
Kurnool District, rep. by Public Prosecutor, High Court, Hyderabad.

Respondent

Petition under Section 438 of Cr.P.C. praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to release the petitioner/A2 on bail in the event of his arrest in FIR.No. 351/2017 dt. 21-08-2017 on the file of the Station House Officer, Kurnool III Town Police Station, Kurnool, Kurnool District, Andhra Pradesh.

The Petition coming on for hearing, upon perusing the petition and the grounds filed herein and upon hearing the arguments of Sri Rachna S.Waddepalli, Advocate for the Petitioner and of the Addl. Public Prosecutor (AP) for the Respondent, the Court made the following

ORDER:

“ Heard learned counsel for the petitioner/A.2 and learned Additional Public Prosecutor for the respondent State, and perused the record.

This petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner/A.2 in Crime No.351 of 2017 of Kurnool III Town Police Station, Kurnool, for the offences punishable under Section 506 IPC read with Section 34 IPC and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2005.

Learned counsel for the petitioner/A.2 would submit that the de facto complainant and others have attacked and caused injuries to the petitioner on 19.08.2017. Immediately, he was admitted in the Government Headquarters Hospital, Kurnool. Thereafter, on 20.08.2017, he was shifted to Mycure Hospitals, Kurnool. In the instant crime, it is alleged that the petitioner committed an offence on 21.08.2017 at 10.30 hours. The petitioner was discharged from the above said hospital on 23.08.2017. The case of the prosecution is totally false and abuse of process of law and ultimately, prayed to grant bail to the petitioner/A.2 under Section 438 Cr.P.C.

Learned Additional Public Prosecutor contended that there is specific mention of the petitioner and others abusing the de facto complainant in the name of caste, in the First Information Report and opposed the grant of bail to the petitioner/A.2.

As per the material placed on record, the petitioner/A.2 lodged a report with the police on 19.08.2017. A case in Crime No.349 of 2017 was registered against the de facto complainant and others. There is also mention that the petitioner suffered injuries in that incident and as per the record produced, the petitioner was hospitalized on 19.08.2017 in Casualty Ward of Government Headquarters Hospital, Kurnool. On 20.08.2017, he was shifted to Mycure Hospitals. He was there from 20.08.2017 to 23.08.2017. The alleged date of offence in the instant case is 21.08.2017. As per the records, the petitioner was being treated in Mycure Hospitals for the injuries. Under these circumstances, it cannot be said that the report lodged with the police is true.

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In the result, the Criminal Petition is allowed, directing the petitioner/A.2 to surrender before the Station House Officer, Kurnool III Town Police Station, Kurnool, within 15 days from the date of this order. On such surrender, the said Station House Officer shall enlarge the petitioner/A.2 on bail on his executing a personal bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum each to his satisfaction. On such release, the petitioner/A.2 shall abide by the conditions mentioned in Section 438(2) Cr.P.C. Further, he shall attend before the said Station House Officer on every Sunday between 8.00 and 10.00 a.m. till filing charge sheet."

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The SHO, Kurnool III Town Police Station, Kurnool, Kurnool District.
2. Two CCs to the Public Prosecutor (AP), High Court, Hyd(OUT)
3. One CC to Sri Rachna S.Waddepalli, Advocate(OPUC)
4. One spare copy.

SAH



HIGH COURT

Dr.SAJ

DATED: 20-11-2017

ORDER

CRL.P.NO. 11017 OF 2017



ANTICIPATORY BAIL

DRAFTED BY: SAH
APPROVED BY:
DRAFTED ON: 22-11-2017

HIGH COURT

Dr.SAJ



DATED: 20-11-2017

ORDER

CRL.P.NO. 11017 OF 2017

ANTICIPATORY BAIL