

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.11880 of 2017

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused No.3, for grant of anticipatory bail in the event of his arrest in Crime No.45 of 2016 on the file of the B.Kodur Police Station, YSR Kadapa District, registered for the offences under Sections 147, 148, 324, 307 read with 149 of I.P.C.

2. Heard the learned counsel for the petitioner/accused No.3, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The learned counsel for the petitioner/accused No.3 would submit the de-facto complainant suffered only simple injuries. Charge-sheet is already filed. Except accused No.1, the other accused were granted regular bail. Accused No.1 filed a writ petition before this Court and this Court directed the Station House Officer concerned to comply with the provision of Section 41-A of Cr.P.C. The petitioner/accused No.3 is ready to abide by any conditions that may be imposed by this Court and ultimately prayed to allow the application.

4. On the other hand, the learned Additional Public Prosecutor opposed the grant of bail to the petitioner/accused No.3.

5. The material placed on record would reveal that on 14.10.2016, the petitioner/accused No.3, along with the other accused, attacked

the de-facto complainant and caused grievous injuries. A copy of the medical certificate is filed before this Court to show the same. As per the First Information Report, there is specific allegation against the petitioner/accused No.3 that he attacked the de-facto complainant with an axe and caused bleeding injuries on his forehead. The gravity of offence is high. It cannot be said that the petitioner/accused No.3 is an innocent person and falsely implicated in this case due to land dispute. Filing of the charge-sheet and the direction given by this Court in a Writ Petition to the Station House Concerned to follow the provision of Section 41-A of Cr.P.C. in respect of accused No.1, are not the criterion to allow this application. The petitioner/accused No.3 is not entitled for bail under Section 438 of Cr.P.C.

6. Hence, the Criminal Petition is dismissed.

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

Dr. SHAMEEM AKTHER, J

13<sup>th</sup> December, 2017  
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