

SMT. JUSTICE T.RAJANI
Criminal Petition No.1709 of 2018

ORDER:

This petition is filed under Section 438 of Cr.P.C., seeking for grant bail to the petitioners, A-4 and A-5, in the event of their arrest in connection with Crime No.434 of 2017 of P.M.Palem Police Station, Visakhapatnam. The offence alleged against the petitioners is under Section 395 IPC.

Heard the learned counsel for the petitioners and the learned Public Prosecutor for the respondent and perused the record.

The learned counsel for the petitioners submits that there is one discrepancy in the report given by the *de facto* complainant, that is, that only four persons are stated to have attacked the *de facto* complainant, while altogether seven persons were shown as accused.

For the above, the learned Public Prosecutor submits that it is only an error of observation by the *de facto* complainant and that the other accused were also present in the place where the offence took place.

Hence, considering the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court opines that it is not a fit case for grant of anticipatory bail to the petitioners and therefore, this petition is dismissed. But, however, the petitioners are at liberty to surrender before the concerned Court, having jurisdiction, and obtain regular bail. On such petition, the concerned Court is directed to consider the same and pass appropriate orders, in accordance with law on merits, as expeditiously as possible, preferably on the same day, subject to pressure of other work.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

JUSTICE T.RAJANI

Date: 27.02.2018
LSK

