

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.2959 OF 2018

ORDER:

This Criminal Petition is filed seeking for grant of anticipatory bail to the petitioner, who is accused No.2, in Crime No.24 of 2018 on the file of the Station House Officer, Nandyal Rural Police Station, Kurnool District.

2. The offences alleged are under Sections 324 and 307 R/w.34 of I.P.C.

3. Heard the learned counsel for the petitioner, learned Public Prosecutor appearing for the respondent-State, and perused the record.

4. Learned Public Prosecutor brings to the notice of this Court that the earlier bail petition filed by the petitioner along with accused No.1 was dismissed insofar as the petitioner/accused No.2 is concerned, by virtue of the orders in Criminal Petition No.1293 of 2018, dated 16.02.2018.

5. A perusal of the order shows that the petitioner went to the spot and attacked the de-facto complainant with sticks, and accused No.1 attacked the de-facto complainant with knife. Learned counsel for the petitioner in support of his submission submits that the Petition can be maintained, as the medical certificate shows only laceration and small abrasion on the body of the de-facto complainant was not brought to the notice of this Court earlier. But, already the same was taken into consideration and this Court opined that the injuries could be caused by a knife. Learned counsel relied on a ruling of the Apex Court in ***Dharma Pal and others Vs. State of Punjab***¹ to contend that the Apex Court, by considering the nature of the injuries did not convict the appellant for the offence under Section 307 of I.P.C. but convicted for the offence under

¹ 1993 CrL.J. 2856

Section 324 of I.P.C. But, however, the Court observed that the injuries are somewhat serious, in spite of which Section 307 of I.P.C. was not made out. Even, if it is considered that only Section 324 of I.P.C. is attracted, this Court considering the manner in which the offence has taken place, refused to grant anticipatory bail to the petitioner earlier.

6. Hence, in the above circumstances and considering the nature of allegations, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the Criminal Petition is dismissed.

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

Date: 16.03.2018.
Dsh



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CRIMINAL PETITION No. 2959 OF 2018

Date. 16.03.2018

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