

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.3458 OF 2018

ORDER:

This Criminal Petition, under Section 438 of Cr.P.C., is filed by the petitioner, who is arrayed as accused No.5 in Crime No.19 of 2018 of Kodavalur Police Station, Sri Potti Sri Ramulu Nellore District, for grant of anticipatory bail in connection with the above Crime, registered for the offences punishable under Sections 452, 324 and 307 R/w.34 of I.P.C.

2. Heard, the learned counsel for the petitioner, learned Public Prosecutor (A.P.) appearing for the respondent-State, and perused the record.

3. The case of the prosecution, in brief, is that on 15.02.2018 at 19:15 P.M. the de-facto complainant, who was undergoing treatment at Government General Hospital, Nellore, gave statement to the Police stating that she is the wife of one Tirupati, who is eking his livelihood by selling sodas and on 15.02.2018, at 12:45 P.M., at Sivapuram, Gandavaram village, when his elder son i.e., Areti Srinivasulu went to pull chariot, there was a scuffle between his son and Karimullah and Masthan and the same was pacified by the elders. Later, at about 12:45 P.M., Karimullah/A-1, Masthan/A-2, Amar/A-3, Naveen/A-4, Vamsi, the petitioner herein who is A-5, along with Srikanth/A-6 and Nagaraju/A-7 trespassed into her house with iron rods and sticks and A-1 beat the de-facto complainant with stick on her head, A-2 and A-6 beat Suragani Aleivelamma, who is the sister of the de-facto complainant, with sticks over her left hand, and the specific allegation against the petitioner/A-5 is that he along with A-4 and A-7 beat Areti Srinivasulu, elder son of the de-facto complainant, with sticks over his hands and legs on his entire body

and caused injuries to them. Later, the injured were admitted in G.G.H. Nellore and got discharged subsequently.

4. Learned counsel for the petitioner submits that the petitioner is innocent, never committed any offence and *prima-facie* there is no material to conclude that this petitioner committed any offence much less the offences under Sections 452, 324 and 307 of I.P.C. Learned counsel further submits that the petitioner is a student pursuing B.Com., and has to appear for final semester examinations, which commenced on 02.04.2018 and are going to be over by 17.04.2018. Learned counsel for the petitioner, in support of his submission, furnished photostat copies of student identity card and the hall ticket of the petitioner to prove that the petitioner is prosecuting B.Com., and has to appear for final semester examinations on the relevant dates mentioned in the hall ticket and, finally, prayed to release the petitioner on pre-arrest bail in the event of his arrest in connection with the above crime.

5. On the other hand, learned Public Prosecutor (A.P.), appearing for the respondent-State, opposed the Petition contending that the earlier bail petition filed by the petitioner was dismissed by the learned IV Additional District and Sessions Judge, Nellore, on 08.03.2018 *vide* order in Crl.M.P. No.500 of 2018 and moreover the investigation is not completed.

6. As evident from the hall ticket and identity card produced before this Court by the petitioner, the petitioner is prosecuting B.Com., and has to appear for the final semester examinations, which commenced on 02.04.2018 and are going to be completed by 17.04.2018.

7. Hence, in view of the facts and circumstances and taking into consideration that the petitioner is a student and has to appear for his final examinations, this Court opines that this is a fit case to grant interim pre-

arrest bail to the petitioner. Accordingly, the Station House Officer, Kodavalur Police Station, Sri Potti Sri Ramulu Nellore District, is directed to release the petitioner/accused No.5 on interim pre-arrest bail till 17.04.2018 in the event of his arrest in connection with Crime No.19 of 2018 on condition of his executing a personal bond for a sum of Rs.20,000/- with two sureties for a like sum each to his satisfaction. Further, after expiry of the stipulated period, the petitioner is directed to surrender before the competent Court and seek regular bail.

8. Accordingly, the Criminal Petition is disposed of.

In consequence, miscellaneous petitions, if any, pending in this Petition shall stand closed.

Date: 06.04.2018.
Dsh

M.SATYANARAYANA MURTHY, J



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CRIMINAL PETITION No. 3458 OF 2018

Date. 06.04.2018

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