

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.4617 OF 2018

ORDER:

The petitioner, who is sole accused in Crime No.15 of 2018 of Kamalapur Police Station, Warangal Commissionerate, registered for the offence punishable under Sections 290, 324 and 506 of the Indian Penal Code, 1860 (for short 'I.P.C.'), apprehending his arrest filed this criminal petition under Section 438 of the Code of Criminal procedure, 1973 (for short 'Cr.P.C'), to issue a direction to the Station House Officer to release him on bail in the event of his arrest.

The case of the prosecution in brief is that on 02.02.2018 at 10.00 P.M. one Bairi Dasharatham lodged a complaint with the police alleging that while he, along with one Aparadhi Sudhakar, was going to Sammakka and Sarakka jathara, the petitioner obstructed and abused them on the pretext he was not providing Padmasali committee membership and tried to throw a stone on them, and threatened to kill them on one day or the other and on seeing the Villagers, he escaped from the scene of offence. Basing on these allegations, the police registered the crime and issued F.I.R.

Initially, the crime was registered for the offence punishable under Sections 290, 324, 506 I.P.C., after obtaining certificate from the Medical Officer, wherein the nature of injuries sustained by the *de facto* complainant are mentioned as grievous, the investigating agency filed a Memo to convert the Section of law to 326 from 324 I.P.C.

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The counsel for the petitioner contended that the Medical Certificate obtained by the investigation agency is a false one and basing on such Medical Certificate, the petitioner cannot be prosecuted for the offence punishable under Section 326 I.P.C.

The contention of the learned counsel for the petitioner cannot be accepted at this stage since the material on record, *prima facie*, discloses the commission of non-bailable offence and hence I am not inclined to issue a direction to the Station House Officer concerned to release the petitioner in the event of his arrest.

The counsel for the petitioner contended that the petitioner is a practicing Advocate and preparing to District Judge Examinations and in case he is remanded to judicial custody, it will affect his career.

The contention of the petitioner cannot be accepted, since the petitioner, being a practicing Advocate is expected to maintain higher degree of discipline. Therefore, I find that it is not a fit case to grant pre-arrest bail.

In the result, the criminal petition is dismissed.

M. SATYANARAYANA MURTHY, J

Date: 27.04.2018
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