

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 4732 OF 2018

ORDER:

This petition is filed, under Section 438 of the Code of Criminal Procedure, 1973, for grant of anticipatory bail to the petitioner-accused No. 3 in Crime No. 7 of 2018 of Kangti Police Station, Sangareddy District, registered for the offences punishable under Sections 307 and 324 read with Section 34 of IPC.

2. Heard learned counsel for the petitioner and learned Public Prosecutor (T.S.).

3. The case of the prosecution in brief is that on 31-01-2018 at about 6.00 hours when the *de facto* complainant was in front of his house, accused Nos. 1, 2 and 4 and the petitioner, keeping in mind the previous haystack burning issue, attacked him; that accused No. 1 attacked the *de facto* complainant with a sickle on his head and back, resulting which he received bleeding injuries; that when one Nagappa came to the rescue of the *de facto* complainant from accused No 1, accused No. 2 beat him with a stone on his eye and back; that when the mother and sister of the *de facto* complainant came to their rescue, the petitioner and accused No. 4 beat them with stones and that in the meantime, the villagers came there and rescued them.

4. Learned counsel for the petitioner submits that the petitioner did commit no offence much less the above offences; that she was falsely implicated in this case due to previous disputes and that the specific overt act attributed against the

petitioner would not constitute the offence punishable under Section 307 of IPC.

5. Learned Public Prosecutor has opposed the petition on the ground that investigation is not completed yet.

6. As seen from the material on record, the petitioner allegedly caused injuries on the bodies of mother and sister of the *de facto* complainant by pelting stones when they came to the rescue of the *de facto* complainant from the hands of accused No. 1 who caused hack injury to the *de facto* complainant with a sickle. Causing injuries by pelting stones with intention to kill would *prima facie* constitute the offences punishable under Sections 307 and 324 read with Section 34 of IPC as they formed themselves into an unlawful assembly with intent to commit an offence.

7. Having regard to the above circumstances and also considering the stage of investigation, I find no ground to enlarge the petitioner on bail.

8. The criminal petition is accordingly dismissed. Pending miscellaneous petitions if any shall stand dismissed in consequence.

M.SATYANARAYANA MURTHY, J.

28-04-2018.
JSK