

HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.4770 OF 2018

ORDER:

The petitioners are accused Nos.1 to 4 of Crime No.8 of 2018 of Kosigi Police Station, Kurnool District, registered for the offences under Sections 354, 323 and 506 R/w.34 of I.P.C. A perusal of the report of the husband of the victim women by name Jareesha, wife of M.Ravi Kumar, dated 16.03.2018, speaks that on 14.02.2018, when his wife Jareesha was in the house, one Avula Thikkaiah, 1st petitioner herein, who is a teacher and resident of Jampapuram, entered into the house and behaved indecently with her and when the said Jareesha raised hue and cry, the de-facto complainant, who is her husband, rushed there and caught hold of said Thikkaiah and slapped him and sent away. It is later nearly a month to it *i.e.*, on 10.03.2018, the de-facto complainant Ravi Kumar dropped his wife, the victim *supra*, at her parents house *i.e.*, Jampapuram, and while she was there on the previous day of the report *i.e.*, 15.03.2018 evening at about 05:00 p.m., said Thikkaiah, his wife Bujamma, his father Narsaiah and his mother Lakshmi, A-1 to A-4 all came to the house of the parents of said Jareesha, attacked her and beat her indiscriminately by caught hold of her tuft and outraged her modesty by saying she caused beat through her husband Ravi Kumar to said Thikkaiah, her husband, and for the hue and cry neighbours also gathered and they left by threatening to see the end and the said Jareesha was shifted on ambulance on 108 and Ravi Kumar received a phone call about the occurrence and went to the Adoni Hospital, where she was admitted and was found in un-conscious stage, thereby the report is given.

The statement of the victim also recorded by investigating agency and the investigation is in progress and there is a medical report about the injuries sustained by said Jareesha. It is the contention of learned counsel for the petitioners that it is a false case foisted, and the petitioners are entitled to the concession of anticipatory bail, and there is no offence under Section 354 I.P.C., even made out if at all even from the allegations but for against A-1, a teacher, and the others A-2, A-4 being women and A-3 is father of A-1.

The crime registered is read with Section 34 of I.P.C. is not in dispute; thereby, it is premature to say the ingredients will not attract. Even regarding the incident dated 14.02.2018 no report given, but with regard to the incident dated 15.03.2018 report is given immediately after the de-facto complainant came to know and went to the hospital and found her condition. The non-giving of report of the occurrence of 14.02.2018 is nowhere fatal to the reporting of the occurrence dated 15.03.2018.

Having regard to the above, it is not a fit case to grant anticipatory bail to the petitioners but for to say the petitioners are given liberty to surrender before the learned Magistrate concerned and, in the event of such surrender and moving of regular bail application, with notice to learned Public Prosecutor, the learned Magistrate shall impose necessary conditions and grant bail with necessary conditions, preferably on the same day if not on next day.

Accordingly, with the above observations, the Criminal Petition is disposed of. In consequence, miscellaneous petitions, if any, pending in this Petition shall stand dismissed.

Dr.B.SIVA SANKARA RAO, J

Date: 06.06.2018.
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HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

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