

HON' BLE SRI JUSTICE Dr. B. SIVA SANKARA RAO

CRIMINAL PETITION No.4898 of 2018

ORDER:

The petitioner/ A1 filed this Criminal Petition under Section 438 Cr.P.C., seeking release in the event of his arrest in connection with Crime No.18 of 2018 of T.Sodayapalem Police Station, Guntur District, originally registered for the offences punishable under Sections 324 and 506 r/w 34 I.P.C. and later altered from Section 324 I.P.C. to 307 I.P.C.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor representing the State and perused the averments in the bail application, F.I.R., Case Diary, dismissal order dated 04.04.2018 in CrI.M.P.No.484 of 2018 passed by the learned XI Additional District and Sessions Judge, Tenali, and other material on record.

3. In CrI.M.P.No.484 of 2018, the learned Sessions Judge observed that there are no grounds to grant anticipatory bail and referred the expression of the Apex Court in Lavesch v. State (NCT of Delhi) (2012 Law Suit (SC) 562 holding that the belief of likely to be arrested without any basis must be founded on reasonable grounds else anticipatory bail cannot be considered and also referred the expressions of the Apex Court in Jaiprakash Singh v. State of Bihar and another (2012 Law Suit (SC) 192 DB) and Siddharam Satlingappa Mhetre v. State of Maharashtra, wherein

it was observed that the Court may not exercise its discretion in derogation of established principles of law rather it has to be in strict adherence to them. Discretion has to be guided by law, duly governed by rule and cannot be arbitrary, fanciful or vague. The Court must not yield to spasmodic sentiment to unregulated benevolence and the object of the injuring or humiliating the applicant by arresting him or her by producing sufficient material before the Court.

4. A perusal of the wound certificate shows that there is a lacerated scalp injury of 6 x 2" on parietal region and the F.I.R. averments disclose a prima facie accusation. Hence, there are no grounds to grant anticipatory bail.

5. Accordingly, the Criminal Petition is dismissed, without prejudice to the right to seek for regular bail.

6. Consequently, miscellaneous petitions, if any shall stand closed.

JUSTICE Dr. B. SIVA SANKARA RAO

Date: 08.06.2018

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