

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.8765 of 2018

ORDER :

This criminal petition filed under Sections 437 and 439 Cr.P.C. by the petitioner/A.1 among two accused in Crime No.164 of 2018 of Dachepalli Police Station, Guntur District, registered for the offence punishable under Section 307 read with 34 IPC.

2. Heard learned counsel for the petitioner and learned Public Prosecutor, representing the State, and perused the material on record.

3. The *de facto* complainant-V.Daniel of Kesanupalli Village of Dachepalli Mandal submitted report, dated 09.07.2018, at 4.00 a.m. stating that in the wedlock of him with A.2-Rathamma @ Ratnakumari of marriage performed 18 years ago, they blessed with a daughter and son. That on previous day i.e., 08.07.2018 night at about 8.30 p.m. after meals he slept and in the meals served his wife mixed sedative substance and he has eaten the same without having any suspicion and in the midnight at about 1.30 a.m. of 09.07.2018, his wife caught hold of his both legs firmly and A.1-K.Benjiman, who is claimed to be a Pastor, sat upon his chest, kept the pillow on his face and while pressing, when he raised alarm and had scuffle with them, they caught hold of his neck and while squeezing his neck, his elder brother-V.Moshe rushed there and saved him, from which both the accused flee away and a stone was hurled by them that hit on the knee

of his elder brother, thereby he reports that but for timely saving he could have been killed in their hands.

4. A perusal of the wound certificate from the police referred, the injured-*de facto* complainant shows as many as nine injuries.

5. A perusal of the propensity of the crime, in which the accused who claims as Pastor perpetrated to eliminate the husband of his concubine, no way entitles to the concession of bail, as rightly dismissed by the learned Sessions Judge, in CrI.M.P.No.1222 of 2018, dated 09.08.2018.

6. Accordingly, the criminal petition is dismissed.

Miscellaneous petitions pending, if any, shall stand closed.

27th August 2018.

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Dr. B. SIVA SANKARA RAO, J