

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.10672 OF 2018

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A-2, for grant of anticipatory bail in the event of his arrest in Crime No.211 of 2018 of Nandyal Rural Police Station, Kurnool District, registered for the offence punishable under Section 307 read with 34 I.P.C.

2. Heard the learned counsel for the petitioner/A-2, the learned Additional Public Prosecutor representing the respondent/State and perused the record.

3. Learned counsel for the petitioner/A-2 would contend that the petitioner/A-2 did not indulge in any overt act; that the petitioner/A-2 was not at all responsible for the alleged stabbing made by A-1, who is his brother; that merely because the petitioner/A-2 is the brother of A-1, he is falsely implicated in this case and ultimately, prayed to allow this application.

4. On the other hand, the learned Additional Public Prosecutor opposed the grant of anticipatory bail to the petitioner/A-2 and ultimately, prayed to dismiss this application.

5. The material on record reveals that the *de facto* complainant's daughter was given in marriage to A-1. She went to the *de facto* complainant's house due to the death of the elder brother of her father by name Akbar Ali Khan. A-1 put a condition that she should return home by the evening on the same day. As there was Bakrid festival, she did not return home and stayed with

her father - *de facto* complainant at Nandamoori Nagar. On 21.08.2018, at about 2:30 P.M., A-1 went to Nandamoori Nagar and scolded his wife for not returning home and obliging his words. When A-1 was quarrelling with his wife, sons of the *de facto* complainant came there. Then, A-1 gave a blow to Rahamthulla Khan, son of the *de facto* complainant, on his forehead with a stone and caused grievous injury. Thereafter, A-1 called his brother i.e., petitioner/A-2 on phone. The petitioner/A-2 came there and caught hold of the second son of the *de facto* complainant by name Faizulla Khan. A-1 took a knife and stabbed into the stomach and ribs of Faizulla Khan and went away from there. These allegations are found in a report lodged by the *de facto* complainant immediately after the alleged commission of offence.

6. It is difficult to believe the submission made on behalf of the petitioner/A-2. There are specific overt acts against the petitioner/A-2. The allegations against the petitioner/A-2 are grave. Hence, it is not a fit case to allow this application under Section 438 Cr.P.C.

7. Accordingly, the Criminal Petition is dismissed.

8. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

DR.JUSTICE SHAMEEM AKTHER

Date : 29.10.2018
AMD

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