

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11457 OF 2018

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A.2, A.3 and A.4, for grant of bail in Crime No.313 of 2018 of Buchireddipalem Police Station, SPSR Nellore District, registered for the offences punishable under Sections 448, 324, 323 and 354 read with 34 of I.P.C.

2. Heard the learned counsel for the petitioners/A.2, A.3 and A.4 and the learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. Learned counsel for the petitioners would contend that the petitioners are falsely implicated in this case and no alleged incident had taken place. However, FIR was lodged with a delay of three days and ultimately, prayed to allow the petition.

4. The learned Additional Public Prosecutor opposed the grant of bail to the petitioners and contended that there are specific and grave allegations against the petitioners and it is not a fit case to grant bail under Section 438 Cr.P.C. and ultimately, prayed to dismiss the petition.

5. The point for determination is whether the petitioners can be granted bail under Section 438 Cr.P.C.?

POINT:

6. There are specific allegations against the petitioners/A.2, A.3 and A.4 that they went to the house of the *de facto* complainant, beat with sticks, pestle and caused grievous injuries. There is also medical record to substantiate the same. There is active participation by all the petitioners/accused in the commission of the

alleged offences punishable under Sections 448, 324, 323 read with 34 IPC. The investigation is in progress. The delay of three days in lodging the report is not a ground to grant bail to the petitioners. There are also allegations against the petitioners/A.3 and A.4 that they have torned the jacket of the *de facto* complainant in public place. All the allegations are grave. Hence, it is not a fit case to grant bail to the petitioners.

7. In the result, the Criminal Petition is dismissed.

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

Date: 06.11.2018
ssp

DR. SHAMEEM AKTHER, J

