

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.12034 OF 2018

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.3, for grant of bail in Crime No.134 of 2018 of Kota Police Station, SPSR Nellore District, registered for the offence punishable under Section 326 read with 34 of IPC.

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

3. Learned counsel for the petitioner/A.3 would submit that the petitioner/A.3 is falsely implicated in this case. She did not participate in commission of offence. The brother of the petitioner/A.3 was murdered by the son of the *de facto* complainant. When a criminal case was filed against him, the petitioner/A.3 is falsely implicated in this case.

4. The learned Additional Public Prosecutor opposed the grant of bail to the petitioner/A.3.

5. In the course of submissions and the material placed before this Court, it has come up that the petitioner/A.3 along with other accused in this case attacked and caused injuries to the *de facto* complainant on 04.07.2018 around 11 hours. The same has been witnessed by number of persons, who are living, nearby. Their statements were also recorded by the police. They have deposed about the participation of the petitioner in the alleged offence. There are specific overt acts of beating the *de facto* complainant with sticks by the petitioner. As per the record, the *de facto* complainant suffered grievous injuries. Therefore, it cannot be said that the

petitioner is an innocent person. The gravity of offence against her is not high. Under these circumstances, the petitioner is not entitled for bail under Section 438 Cr.P.C.

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

DR. SHAMEEM AKTHER, J

Date: 20.11.2018
ssp

