

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.11152 of 2017

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioners, for grant of anticipatory bail in the event of their arrest in Crime No.169 of 2017 on the file of the Rompicherla Police Station, Guntur District, registered for the offences punishable under Sections 452, 324, 307 read with 34 of I.P.C., Section 3(1)(r)(s) of SC & ST (PoA) Amendment Act, 2015.

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

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and falsely implicated in this case. They are not responsible for the alleged beatings and ultimately prayed to allow the application.

4. On the other hand, the learned Additional Public Prosecutor would submit that in the course of investigation, no accusation is found against the petitioner No.1 herein (Thanikonda Yesobu) and, therefore, his name was deleted from the crime. There are specific overt acts against the petitioner No.2 herein/accused No.4 and, therefore, he is not entitled for bail under Section 438 of Cr.P.C.

5. As per the material produced before this Court, there are specific and grave allegations against the petitioner No.2

herein/accused No.4 that he beat the de-facto complainant with iron rod and caused injuries. There are eye-witnesses (LW.7 and LW.8) to the incident, who stated the same in the course of investigation conducted in this case. Under these circumstances, it cannot be said that the petitioner No.2 herein/accused No.4 is innocent person and falsely implicated in this case. The matter requires investigation. Release of petitioner No.2 herein/accused No.4 would hinder the investigation. There is possibility of winning over the witnesses and causing disappearance of the material evidence. Therefore, it is not a fit case to grant bail to the petitioner No.2 herein/accused No.4 under Section 438 of Cr.P.C.

6. Accordingly, the Criminal Petition, insofar as it relates to petitioner No.1 herein, no orders are required to be passed, as the accusation against him stood deleted from the instant crime. The Criminal Petition, insofar as it relates to the petitioner No.2 herein/accused No.4, is dismissed, in view of the reasons assigned supra.

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

Dr. SHAMEEM AKTHER, J

05th January, 2018
Bvv