

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.12385 OF 2018

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused No.2, for grant of bail in Crime No.103 of 2018 of Narsapuram Rural Police Station, West Godavari District, Andhra Pradesh, registered for the offences punishable under Sections 332 and 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 submit that the *de facto* complainant is the Police Constable of Elamanchili Police Station; that some agitation was going on in the village with regard to construction of Godavari Mega Aqua Food Factory in Tundurru and in that process, the petitioner/A-2 is falsely implicated in this case without there being any incident; that some of the accused were granted regular bail; 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 stated that in the F.I.R. given to the police, name of the petitioner/A-2 is found place and ultimately, prayed to dismiss this application.

5. The specific case of the prosecution is that on 31.05.2018, during morning hours, when the *de facto* complainant was discharging his duties i.e., police picket duties, he came to know that an accident took place between an auto and a tractor near Tundurru graveyard. When he went there, he found two persons dead. Injured persons were shifted to the hospital. The *de facto* complainant informed the incident to the Sub-Inspector of Police, who in turn, came there and at about 9:30 A.M., the petitioner/A-2 along with other accused reached there and picked up a quarrel stating that he belongs to the said factory; that he is carrying the whole information to the factory management; that he is responsible for the construction of the factory and that if he is killed, the factory construction would be stopped and by uttering so, with an intention to kill the *de facto* complainant, the petitioner/A-2 and other accused made an attempt to do away with the life of the *de facto* complainant and in that process, the *de facto* complainant suffered severe injuries on his upper lip, neck and left knee. There is medical report to substantiate the injuries. There are specific and grave allegations against the petitioner/A-2. The offences alleged are also serious and grave in nature. It is not a fit case to allow this application under Section 438 Cr.P.C. and as such, the Criminal Petition is liable to be dismissed.

6. After dictating the order, learned counsel for the petitioner/A-2 seeks permission of this Court to withdraw the Criminal Petition. At this stage, learned counsel for the petitioner/A-2 is not permitted to do so.

7. Accordingly, the Criminal Petition is dismissed on merits.

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

DR.JUSTICE SHAMEEM AKTHER

Date : 04.12.2018
AMD



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