

**THE HON'BLE DR.JUSTICE SHAMEEM AKTHER**

**CRIMINAL PETITION No.12463 OF 2018**

**ORDER:**

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A.1, A.2, A.5, A.6 and A.8 for grant of bail in Crime No.38 of 2018 of Sodam Police Station, Chittoor District, registered for the offences punishable under Sections 143, 147, 148, 323, 324, 341, 427, 452 and 506 read with 149 of IPC.

2. Heard the learned counsel for the petitioners/A.1, A.2, A.5, A.6 and A.8 and the learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. Learned counsel for the petitioners/A.1, A.2, A.5, A.6 and A.8 would submit that due to political differences, the petitioners are implicated in this case. Neither the *de facto* complainant nor her family members suffered any injuries. Except the offence under Section 506 IPC, other offences alleged are bailable. The allegations are also not grave. The petitioners are ready to abide by any conditions that may be imposed by this Court.

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. The petitioners and other accused formed themselves into an unlawful assembly, trespassed into the house of the *de facto* complainant and caused injuries to the *de facto* complainant, her husband and two children. Further, the *de facto* complainant and her family members were prevented from going to hospital on the night of 12.10.2018 and ultimately, prayed to dismiss the petition.

5. In view of the submissions made by both sides, the point that arises for determination is, whether the petitioners can be granted bail under Section 438 Cr.P.C.?

6. As per the material placed on record and the submissions made, on 12.10.2018 evening between 6.00 p.m. and 7.00 p.m., the alleged offence took place at the house of the *de facto* complainant-K.Jaleswari at Mittapalle Village. The petitioners and other accused formed themselves into an unlawful assembly, criminally trespassed into the house of the *de facto* complainant, misbehaved and acted in a highhanded manner with her husband when he was collecting milk from their cow. When the *de facto* complainant interfered and tried to pacify the petitioners and other accused, the petitioner/A.2 took a stick and beat the *de facto* complainant on her right cheek. When the *de facto* complainant and her husband made hue and cry, their sons reached there and they were also assaulted by the petitioners and other accused. When the victims wanted to go to the hospital, they were threatened and obstructed them from going to hospital. Some of the accused damaged the front glass of the car. When the victims made efforts to go to the hospital for second time, on that night, again they were obstructed by the petitioners and other accused. There are specific and grave allegations against the petitioners. There is also mention in the FIR about their alleged participation in the offence and preventing the victims when they were going to the hospital, though the victims and the petitioners are close relatives. There is also medical record to substantiate the injuries suffered by the victims. Under these circumstances, it cannot be said that the petitioners are falsely implicated in this case. The gravity of offence is high. A

thorough investigation is warranted in this case. It is not a fit case to allow the petition under Section 438 Cr.P.C.

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

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**DR. SHAMEEM AKTHER, J**

Date: 29.11.2018  
ssp

