

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.3799 of 2019

ORDER :

Petitioner who is the sole accused in Crime No.282 of 2019 on the file of the Karimnagar I Town Police Station, registered for the offences punishable under Section 304-II IPC, filed this petition under Section 438 Cr.P.C. seeking anticipatory bail.

The gravamen of the charge levelled against the petitioner is that there was a quarrel between Shankara Chary (the deceased) and the petitioner in connection with milling of turmeric and the petitioner was alleged to have beaten the deceased by fisting him on face and head also due to which it was diagnosed that his brain was damaged. Basing on the said complaint lodged by the defacto complainant, the police registered the above Crime No.282 of 2019 for the aforesaid offences.

Learned counsel for the petitioner/Accused contends that the petitioner is innocent of the alleged offences and he has been falsely implicated in the above crime. It is also contended that none of the ingredients of offence under Section 304-II of IPC are attracted against the petitioner. It is contended that as per the case of the prosecution, the alleged offence took place on 24.05.2019, whereas the complaint was lodged after 4 days, which is an after-thought, which goes to

show that the complaint was lodged with an intention to harass the petitioner. It is contended that the deceased is aged about 70 years having health problems and due to the health problems, he might have died. It is also contended that even according to the version of the complainant, the deceased was discharged from the Hospital on 25.05.2019, however, he died on 27.05.2019. It is also contended that the petitioner is only an employee in the shop and eking out his livelihood and he has got wife, two minor daughters and old aged parents, who are all dependent on him and he is the only bread winner in the family. It is further contended that the entire investigation is completed and that the petitioner is ready to abide by any of the conditions imposed by this Court and would cooperate with the investigation, if he is released on anticipatory bail in the event of his arrest in connection with the aforesaid crime.

On the other hand, the learned Additional Public Prosecutor vehemently opposed the relief sought in the above petition.

A perusal of the contents of the complaint and the record discloses that there are specific allegations levelled against the petitioner/Accused stating that there was dispute between the petitioner and the deceased regarding price for grinding of turmeric during which the petitioner assaulted the deceased severely and on shifting the deceased to the Hospital, the Doctor told that blood was clot in the head and

there are little chances of survival of the deceased. Subsequently, after discharge from the Hospital, the deceased died on 27.05.2019 at his residence.

Thus, there are serious allegations levelled against the petitioner of assaulting the deceased, which proved fatal later on. Therefore, in view of serious allegations made against the petitioner/Accused and keeping in view the gravity of offences alleged against him, I am not inclined to grant anticipatory bail to the petitioner/Accused.

Accordingly, the Criminal Petition is dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE G. SRI DEVI

16.07.2019.
Msr

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.3799 of 2019



16.07.2019
Msr