

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.7318 of 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by petitioners/A4 and A5, seeking to grant anticipatory bail in Cr.No.115 of 2019 on the file of V Town Police Station, Nizamabad, registered for the offences under Sections 147, 148, 307 read with Section 149 IPC.

2. Heard learned counsel for the petitioners/A4 and A5, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The case of the prosecution is that on 22.10.2019 at about 6.30 PM., while the brother of the de-facto complainant, by name Shareef, went to the auto parking place, A1 to A6 armed with iron rod pipes and sticks, formed into a group and attacked his brother with an intention to kill him, A2 beat the victim with blue colour iron rod on the back side of his neck, A1 beat with iron rod on the face of the victim, A4 to A6 beat the victim indiscriminately with sticks, resulting serious injuries on his head, face and other parts of the body. Immediately, the injured was shifted to Government Hospital, Nizamabad and from there to Hyderabad for better treatment.

4. Learned counsel for the petitioners/A4 and A5 submits that the petitioners are innocent of the alleged offences and they have been falsely implicated in the crime due to political rivalry as the victim was Ex-Corporator from MIM party and belongs to Congress Party.

He further submits that the names of the petitioners were not shown in the FIR and their names were added subsequently during the remand case diary and that they are no way connected with the aforesaid crime. He further submits that there are no allegations leveled against the petitioners with regard to the alleged crime and that the petitioners hail from respectable family and they are permanent residents of Nizamabd and Nagaram having fixed abode and landed properties, as such there is no question of absconding. He also submits that the petitioners shall abide by any condition imposed by this Court.

5. Learned Additional Public Prosecutor opposed the relief sought in the petition and contended that the victim is still undergoing treatment in the hospital and hence, the petitioners are not entitled for anticipatory bail.

6. As seen from the contents of the remand case diary, the role of the petitioners in the crime has been specifically mentioned stating that A1 to A3 along with the petitioners had brutally assaulted the victim with iron rods and sticks with an intention to kill him. A2 assaulted the inured with blue colour iron rod on the back side of his neck, A1 also assaulted him with iron rod and the other accused beat the victim indiscriminately with sticks. Thus, in view of the nature of allegations leveled against the petitioners, I am not inclined to grant anticipatory bail to them and their prayer for anticipatory bail is refused. However, if the petitioners/A4 and A5 surrender before the Court below within 10 days from today and moves an application

for bail, the Court below shall consider the same in accordance with law.

7. With the above direction, the Criminal Petition is dismissed.

8. Miscellaneous applications, if any pending in this criminal petition, shall stand dismissed.

21st November, 2019

G. SRI DEVI, J

sj

