

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.7855 of 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by petitioners/A1 to A4, seeking to grant anticipatory bail in Cr.No.121 of 2019 on the file of Palvoncha Rural Police Station, Bhadradri Kothagudem District, registered for the offences under Sections 307, 506 read with Section 34 IPC.

2. Heard learned counsel for the petitioners/A1 to A4, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The case of the prosecution is that on 06.10.2019 at 9.00 PM., near Varikella Ramarao Kirana at Pandurangapuram, A5 and A6 were tried to attack the de-facto complainant and kill him, due to previous enmity, but he escaped, and that again on 07.10.2019 at 7.40 PM., at Navaratri Festival, when Annadanam was going on, all the accused beat the de-facto complaint and his sister with a curry bucket from the dinner, due to which, he received injury on his head, became unconscious and fell down and his sister also received injury on her head. Later, they took treatment at Palvoncha Government Hospital.

4. Learned counsel for the petitioners/A1 to A4 submits that the petitioners are innocent of the alleged offences and that there was delay of two days in lodging a report to the police and that as the petitioners were allegedly attacked with curry bucket, which is not a deadly weapon, the ingredients of Section 307 IPC are not attracted and that no grievous injury was sustained by the de-facto

complainant. He further submits that due to political rivalry, a false case has been foisted against the petitioners and that they are willing to furnish suitable security and they 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 petitioners had attacked the de-facto complainant resulting injury on his head as evident from the medical report and therefore, the petitioners are not entitled for anticipatory bail.

6. As seen from the contents of the FIR and the medical report, the petitioners had attacked the de-facto complainant and caused injury on his head. Thus, in view of the nature of allegations leveled against the petitioners and their involvement in the crime, this Court is not inclined to grant anticipatory bail to them and their prayer for anticipatory bail is refused. However, if the petitioners/A1 to A4 surrender before the trial Court within 15 days from today and file an application for bail, the trial Court shall consider the same in accordance with law on the same day after giving due notice to the Public Prosecutor.

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

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

G. SRI DEVI, J

18th December, 2019

sj