

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.7901 of 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused No.1 seeking to grant anticipatory bail in the event of his arrest in Crime No.254 of 2019 on the file of Mudigonda Police Station, Khammam District, registered for the offences punishable under Sections 448 and 307 read with Section 34 IPC.

2. Heard learned counsel for the petitioner, learned Additional Public Prosecutor appearing for the respondent-State and perused the record.

3. The case of the prosecution, in brief, is that the accused had illegal contact with the wife of the de facto complainant and that on knowing the same, the de facto complainant and his relatives admonished his wife but there is no change in the attitude of his wife in this regard and that the accused decided to kill the de facto complainant and that on 12.11.2019 at 23.30 hours, while the de facto complainant along with his wife was sleeping in the house, the accused criminally trespassed into his house and when the wife of the de facto complainant opened the door, both the accused tried to kill the de facto complainant by pressurizing with pillow on his mouth and pressed his neck by sitting on him; that when the wife of the de

facto complainant sat on his legs, the accused pressed his testicles, then the de facto complainant escaped from them and went out of the house and informed the same to his brother, Gaji Sreenu, and later, both the accused escape from the house and that the cell phone and lungi of the petitioner/accused No.1 were found in the house of the de facto complainant and the same were handed over to the Police.

4. Learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against him; that he is falsely implicated in the case; that he has not committed any offence; that the entire allegations levelled against the petitioner are false and baseless and invented for the purpose of the case; that, in fact, the de facto complainant created a false story and implicated the petitioner in the above crime; that the petitioner never had any intention to attack the de facto complainant; that the story narrated by the de facto complainant is imaginary; that there is delay in lodging the complaint; and that the petitioner is a law abiding citizen and is ready to abide by any conditions that may be imposed by this Court in the event of his enlargement on anticipatory bail.

5. Learned Additional Public Prosecutor vehemently opposed to grant anticipatory bail to the petitioner.

6. As seen from the Case Diary, there are specific allegations against the petitioner/accused No.1. The investigation in the case revealed that the petitioner had illegal

contact with accused No.2, who is the wife of the de facto complainant, and though the de facto complainant and his family members admonished the accused they did not change their attitude. While so, on 12.11.2019 at 23.20 hours, the petitioner/accused No.1 criminally trespassed into the house of the de facto complainant and he along with accused No.2 tried to kill him, however, the de facto complainant escaped from the clutches of the accused.

7. In view of the contents in the above Case Diary and since the investigation is still in progress, having regard to the nature of allegations levelled against the petitioner and the facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to the petitioner.

8. The Criminal Petition is accordingly dismissed.

9. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

20th December, 2019
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JUSTICE G.SRI DEVI