

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION NO.7985 OF 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (Cr.P.C.), is filed by the petitioner/A-1, for grant of anticipatory bail in Crime No.273 of 2018 of P.S. Habeebnagar, Hyderabad District, registered for the offences punishable under Section 326 of the Indian Penal Code (initially FIR was registered for the offence punishable under Section 324 read with Section 34 of the Indian Penal Code).

Heard the learned counsel for the petitioner/A-1, the learned Additional Public Prosecutor representing the respondent-State and perused the record.

In the FIR, it is *inter alia* stated that the complainant gave report on 17.12.2018 stating that at 12.30 hours, he along with his father stood at the main gate of Bharath ground. In the meanwhile, one person was passing urine near the gate and his father objected him. After that, that person came to his father and said that “are you Arif Bhai?” and took his mobile phone to talk to his friend. After 15 to 20 minutes, one person came in Hyundai Verna car, met with the first person and both of them asked his father to have drink in their car for which his father rejected, then they quarreled with his father and abused in most filthy language. The first person gave a fist blow on his father’s face and the second person also tried to attack his father. Meanwhile locality persons rescued them.

Learned counsel for the petitioner/A-1 would submit that the petitioner/A-1 is innocent of the offence alleged against him. He is working in Saudi Arabia and has come to India only for a short period of 30 days and has a return ticket on 18.12.2018 and in order

to squeeze money from him, the present complaint came to be filed. It is further submitted that the petitioner is a law abiding citizen and undertakes to co-operate with the investigation. Hence, he prayed to grant anticipatory bail to the petitioner/A-1.

Learned Additional Public Prosecutor representing the respondent-State opposed to grant anticipatory bail to the petitioner/A-1.

As seen from the contents of the F.I.R., there are specific allegations against the petitioner/A-1.

Having regard to the facts and circumstances of the case, nature and gravity of the offence, this Court is not inclined to grant anticipatory bail to the petitioner/A-1.

The Criminal Petition is, accordingly, dismissed. However, if the petitioner/A-1 surrenders before the competent Court within a period of fifteen days from today and apply for regular bail, the same shall be considered by the said Court, in accordance with law.

Miscellaneous applications, if any, pending shall stand dismissed.

(G. SRI DEVI, J)

24th December 2019
RRB