

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.1529 of 2020

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.2 of 2020 on the file of Kalher Police Station, Sanga Reddy District, registered for the offences punishable under Sections 307, 323 and 504 read with Section 34 IPC.

2. The case of the prosecution is that on 26.02.2020 at about 9 pm., while the de facto complainant and a villager by name Laxmaiah were setting in front of his house, the brother of the de facto complainant-the petitioner herein-accused No.1 and accused Nos.2 and 3 came there in drunken condition and quarreled with the de facto complainant and abused him filthy language; and that when the de facto complainant asked the petitioner not to create any galata, he attacked him with a knife as a result of which, the de facto complainant received bleeding injury on his right hand index finger and accused Nos.2 and 3 also assaulted the de facto complainant and others with hands.

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

4. Learned counsel for the petitioner submitted that the de facto complainant and the petitioner are own brothers and there are some disputes between them regarding property; that the village elders advised the de facto complainant not to quarrel and in fact, the de facto complainant and his two sons attacked the petitioner with

sticks and hands; and that the petitioner was hospitalized due to the injuries caused to him on the same day; and that as a counter blast the de facto complainant lodged the present complaint. Learned counsel further submitted 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

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

5. As seen from the record, though accused Nos.2 and 3 in this case were already enlarged on bail, the role played by the present petitioner is different than that of the other accused. There are specific allegations against the petitioner that keeping the old enmity in mind, he along with other accused has attempted to commit murder of the de facto complainant and his sons; and that accordingly, the petitioner has attacked the de facto complainant with knife, however, the villagers reached the place of occurrence and saved the de facto complainant.

6. Thus, looking into the nature of allegations levelled against the petitioner and as there is specific allegation against the petitioner that he attacked the de facto complainant with a knife which is a deadly weapon, I am not inclined to grant anticipatory bail to the petitioner.

7. The Criminal Petition is accordingly dismissed. However, the petitioner is directed to surrender before the Court concerned within ten days from the date of this order and move an application for bail, upon which, the Court below may consider the same and pass appropriate orders in accordance with law, after giving due notice to the learned Public Prosecutor concerned.

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

11<sup>th</sup> March, 2020  
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JUSTICE G.SRI DEVI

