

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION NO.8714 OF 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (Cr.P.C.), is filed by the petitioner/accused, for grant of anticipatory bail in Crime No.198 of 2019 of P.S. Mavala, Adilabad District, registered for the offence punishable under Section 324 of the Indian Penal Code.

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

In the FIR, it is *inter alia* stated that on 18.11.2019 at 15.30 hours while the complainant, Yelpula Adellu, was grazing the bulls in their bandy, the accused abused him as to why he was grazing the bulls in his place and on 19.11.2019 at about 10.30 hours while he was proceeding on foot to purchase pesticide and when reached Battisa wargaon village, the accused came from back side and beat him with stick on his legs, neck, left hand and as a result, he received severe injuries.

Learned counsel for the petitioner/accused would submit that the complainant himself went to the hospital and discharged from the hospital within one day which shows that he did not receive any severe injury. It is further submitted that the police have completed the entire investigation by examining all the material witnesses except filing of the charge sheet. Further, the allegations mentioned in the FIR do not constitute the offences alleged against the petitioner. It is further submitted that the petitioner is a law abiding citizen and he was implicated in this

case only to defame him in the society. Hence, he prayed to grant anticipatory bail to the petitioner/accused.

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

As seen from the contents of the F.I.R., there are specific allegations against the petitioner/accused and the medical report shows that the complainant received fracture of his left fore arm, which is a grievous injury and after obtaining medical report, the section of law is also converted from Section 324 to Section 326 IPC.

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/accused.

The Criminal Petition is, accordingly, dismissed. However, if the petitioner/accused 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)

8th January 2020
RRB