

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO.9382 OF 2021

ORDER:-

This petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking pre-arrest bail to the petitioners/A.1 and A.2 in the event of their arrest in connection with Crime No.237 of 2021 of Karepally Police Station, Khammam District, registered for the offences punishable under Sections 448, 427, 307 and 323 read with 34 of the Indian Penal Code.

2. A report was lodged by the *de facto* complainant stating that on 07.11.2021 at about 5.30 p.m. both the accused trespassed into his shop and damaged furniture and tried to kill him with photo cutting iron mission, which was kept aside, and while in the scramble, when A.2 caught hold of his hand backside, accused No.1 beat strongly with iron mission, for which he sustained bleeding injuries and with that injuries he went to Karepally Police Station, where the Station House officer gave MLC and sent him to hospital. The *de facto* complainant further stated in the complaint that he sustained injuries on head, above and below the left eye and left hand shoulder. Basing on the said complaint, the present crime is registered.

3. Heard Mr.Nageswara Rao Repakula, learned counsel for the petitioners, and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioners submits that in view of the disputes between the parties, the petitioners herein have been implicated falsely in this case. He submits that after the incident, the *de facto* complainant went to the hospital and immediately he was discharged. He further submits that as far as petitioner No.2/A.2 is concerned, absolutely there are no specific overt acts that he caused injuries to the *de facto* complainant. Hence, the petitioners' case may be considered for grant of pre-arrest bail.

5. On the other hand, learned Assistant Public Prosecutor, on instructions, submits that petitioner No.1 is a rowdy sheeter and several cases are registered against him. He does not dispute the fact that there is no previous criminal history against petitioner No.2. Even as per the complaint, petitioner No.1 has assaulted the *de facto* complainant. Hence, the petitioners are not entitled for grant of pre-arrest bail.

6. Taking into consideration the fact that there are specific overt acts against petitioner No.1/A.1 and as he is having criminal antecedents, this Court is not inclined to grant pre-arrest bail to petitioner No.1. As far as petitioner No.2/A.2 is concerned, as there are no specific overt acts against him and as he is not having any criminal antecedents, this Court deems it appropriate to grant pre-arrest bail to petitioner No.2/A.2.

7. Accordingly, this Criminal Petition is allowed in part. Petitioner No.2/A.2 shall surrender before the Station House Officer, Karepally Police Station, Khammam District, in connection with Crime No.237 of

2021 within one week from today and on such surrender and executing a personal bond for a sum Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer, he shall be released on bail. It is made clear that no further extension of time will be granted.

Consequently, miscellaneous applications pending, if any, shall stand closed.

LALITHA KANNEGANTI, J

Date :17.12.2021

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