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Crl.O.P.No.5539 of 2023

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A.D.JAGADISH CHANDIRA,J.

The petitioners, who were arrested and remanded to judicial custody, for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 307, 302 of IPC, in Crime No.37 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 08.02.2023, due to the previous enmity, the accused have abused the de-facto complainant and his family members in a filthy language and assaulted them with knife and iron rod, due to which, they sustained grievous injuries and admitted in the hospital, where, one of the injured persons, named Prabhu died in the hospital on 14.02.2023, without responding to the treatment. Hence the case.

3. Learned Counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He



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further submitted that only the family members of the de-facto complainant have attacked the first accused, due to which, a case was registered against the de-facto complainant and others in Crime No.38 of 2023. He also stated that the first petitioner (A6) was arrested on 09.02.2023 and the other two petitioners (A7 & A9) were arrested on 15.02.2023 and they are prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioners, who are arrayed as A6, A7 & A9 respectively, along with other accused, due to the previous enmity, abused the de-facto complainant and his family members in a filthy language and assaulted them with knife and iron rod, due to which, they sustained grievous injuries and one of the injured persons, named Prabhu has died in the hospital after six days. He further submitted that the petitioners were arrested very recently and the investigation is at nascent stage, hence, he opposed for grant of bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned Additional Public Prosecutor and taking note of the fact that the petitioners were arrested very recently and the investigation is at nascent stage, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the Criminal Original Petition stands dismissed for the present.

09.03.2023

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