

THE HONOURABLE MS JUSTICE B.S.BHANUMATHI

Criminal Petition No.1901 of 2023

ORDER:

This Criminal Petition is filed under Section 438 Cr.P.C. seeking anticipatory bail to the petitioner/A-2 in the event of his arrest in Crime No.94 of 2023 of Jammalamadugu Police Station, YSR Kadapa District registered on 16.02.2023 for the offence punishable under Section 307 read with 34 IPC.

2. The case of the prosecution is that on 15.02.2023 when the de facto complainant was in Reddy Bar and Restaurant to take liquor along with his friend Nelson, A-1 and A-2, due to previous disputes, started abusing Nelson and then the de facto complainant tried to interfere to pacify them, but A-1 and A-2, grew wild and tried to stab with a broken glass bottle saying that they would kill the de facto complainant and Nelson, and thus, the de facto complainant received injury to his left little and ring fingers as he kept his left hand to guard himself when A-2 was about to stab de facto complainant with a broken glass bottle while A-1 held the de facto complainant and further he received injury in his left flank when A-2 again stabbed him with the broken glass bottle to kill him and thereafter he was taken to the Government Hospital, Jammalamadugu.

3. Ms.P.Yaswani, learned counsel representing the petitioner submitted that the allegations would not disclose the intension to cause hurt and at the most it amounts to offence under Section 324 IPC but not Section 307 IPC. She further submitted that the injured was discharged from the hospital shortly after admission and wound certificate also discloses simple injuries and therefore no offence is made out under Section 307 IPC. Learned counsel further submitted that the petitioner is a teacher working in a school and he may lose his job in the event of his arrest.

4. The learned Additional Public Prosecutor submitted that the wound certificate was received and the nature of the injuries are simple and were received 0 to 6 hours prior to the examination of the de facto complainant.

5. To constitute the intention required for the offence punishable under Section 307 IPC, there need not always be a pre-determination to cause death and it may rise instantaneously under fit of anger, and so in each case it is to be examined as to whether such intention as is sufficient to constitute the offence under Section 307 IPC exists or not. The person causing injuries by stabbing with a broken glass bottle on vital parts can be presumed to have knowledge that it may result in death of the person receiving such

injury. The petitioner being a teacher is expected to be more disciplined and lose of job is not a ground to grant anticipatory bail when the record discloses well founded accusation. At the time of considering the application for anticipatory bail, apart from the prima facie case against the petitioner, the gravity of offence should also be looked into. On consideration of all these aspects, it is not a case to fit grant anticipatory bail.

6. In the result, the Criminal Petition is dismissed.

Pending miscellaneous petitions, if any, shall stand closed.

Date : 24.03.2023

SPP

B.S.BHANUMATHI, J

THE HONOURABLE MS JUSTICE B.S.BHANUMATHI

Criminal Petition No.1901 of 2023

Date : 24.03.2023

SPP