

THE HON'BLE Ms. JUSTICE B.S.BHANUMATHI

Criminal Petition No.1909 of 2023

ORDER:

This Criminal Petition is filed under Section 438 CrPC seeking anticipatory bail to the petitioner in the event of her arrest in Crime No.181 of 2022 of Hindupur Rural Police Station, registered for the offence under Section 307 IPC.

2. Heard learned counsel for the petitioner and the learned Assistant Public Prosecutor representing the respondent/State.

3. The case of the prosecution is that the *de facto* complainant gave a complaint to the effect that on 24.07.2022 at about 8 PM, at Chanthalapalli, Karnataka State border, the petitioner/accused drove his car and hit one Vijayabhaskar Reddy, who is the owner of the Bar, and by the time, the *de facto* complainant came out, the accused went away. Thereafter, on questioning, the petitioner/accused hacked the complainant with a sickle on the head and right leg of the *de facto* complainant. Thereafter, the injured was shifted in '108' vehicle to Government Hospital, Hindupur, and took treatment.

4. Learned counsel for the petitioner submitted that no intention is shown to cause death of the person and the prosecution has not established how the sickle has come to the hand of the petitioner. He further submitted that for simple injuries, a false case for the offence under Section 307 IPC was foisted.

5. Learned Assistant Public Prosecutor submitted that the wound certificate shows lacerated injury on the back of the thigh and over occipital region.

6. Perused the record.

7. Though there is no pre-concerted action to cause death, intention to cause death may arise on the spot due to fit of anger. In this case, as per the version of the prosecution, the injured questioned the accused as to why he hit the car and in that quarrel, the accused hacked the complainant with sickle on his head and right leg. Immediately, he was taken to the hospital and wound certificate was also given. The use of sharp weapon and the place of injuries, irrespective of the nature of the wounds, would throw some light on the intention to cause injuries which are sufficient in the ordinary course to cause death. Therefore, *prima facie* it cannot be ruled out that no offence is made out for the offence under Section 307 IPC. For grant of anticipatory bail, apart from *prima facie* case, gravity of the offence would also be looked into. As such, with the evidence available on record, it is not a fit case to grant anticipatory bail.

8. Accordingly, the Criminal Petition is dismissed.

Pending miscellaneous petitions, if any, shall stand closed.

Dt. 27-03-2023
RAR

B.S.BHANUMATHI, J