

THE HON'BLE MS JUSTICE B.S.BHANUMATHI

CRIMINAL PETITION No.5997 of 2023

ORDER:

This petition is filed by the petitioner/accused No.3 under Section 438 of Cr.P.C for the grant of anticipatory bail for the offences punishable under Sections 307, 324 r/w Section 34 of I.P.C in Crime No.14 of 2023 of Kothapeta Police Station, Dr. B. R. Ambedkar Konaseema District formerly East Godavari District.

2. The case of the prosecution against the petitioner is as follows:

The *Defacto* complainant is a resident of Baba Colony, Kothapeta. He developed friendship with the inmates of his area *viz.*, accused No.1 and accused No.2. Around 6 years prior to the incident, the *Defacto* complainant's relative Metti Vinay fell in love with Rajani, the younger sister of accused No.2. The complainant supported their marriage. The accused bore grudge against the complainant. On 15.01.2023 at about 11.00 PM, while the complainant was in the house, accused No.1 made a phone call to him and thereafter he and his junior maternal uncle Metti Rambabu went to the house of accused No.1, where they found accused No.1 to accused No.4.

Suddenly, with an intention to kill him, accused No.3 caught hold of the *Defacto* complainant from his back, immediately thereafter, accused No.1 with knife brought by him, stabbed twice on left side of the chest causing bleeding injuries. In the meanwhile, when his relative Rambabu came there in rescue of him, accused No.4 caught hold of Rambabu and accused No.1 gave a knife blow on the right shoulder of Rambabu and caused bleeding injury. Accused No.2 beat Rambabu with an iron rod on his head and caused bleeding injuries. Both the injured fell on the road. Accused No.1 to accused No.4 left the place. His brother Metti Narayudu and his friend Naveen took both the injured to the Government Area Hospital, Kothapeta. The hospital authorities sent intimation to the police. The police of Kothapeta recorded the statement of Metti Chinna Arjun.

3. Learned counsel for the petitioner submitted that when the earlier petitions were dismissed, the investigation was not completed and that under the change of the circumstances, now the Accused Nos.1 and 2 were already granted bail by the II Additional District and Sessions Judge Court at Amalapuram, basing on the representation of the learned Public Prosecutor that material part of the investigation was completed and the charge sheet alone had to be filed.

4. Learned Public Prosecutor submitted that the petitioner is a habitual quarrelsome person and has political influence in the village and opposed the petition.

5. Perused the record.

6. The earlier applications were dismissed not just on the ground that the investigation was not completed, but also on merits finding that there was well found accusation against the petitioner for the alleged serious offence and it is also found the petitioner cannot be granted anticipatory bail as such. Therefore, no merit is found in the present petition just on the ground for completion of the investigation or grant of the regular bail to the other two accused.

7. As a result, the Criminal Petition is dismissed.

Miscellaneous applications, if any, pending in this Criminal Petition shall stand closed.

JUSTICE B.S.BHANUMATHI

Dt: 23.08.2023
MSI

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