

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 2565 of 2015

ORDER :

The petitioner, who is accused No.8 in Crime No.190 of 2012 of Echoda Police Station, Adilabad District, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with the above crime registered for the offences punishable under Section 399 IPC and Section 25(1-A) of Arms Act. A charge sheet came to be filed against the petitioner and others for the above-mentioned offences.

The gist of the case of the prosecution is that while conducting vehicle checking near Rani Ginning Factory on National Highway No.7, the S.I. of Police and his staff noticed one Swift Car bearing registration No.MH 30P 2830 proceeding from Adilabad towards Nirmal. On suspicion, the police stopped the car and when questioned, the occupants of the car failed to give satisfactory answers. On interrogation by the police, they disclosed their identity and plan to commit dacoities on NH No.7 in between Adilabad and Hyderabad. A.1 is alleged to have confessed that 9 mm. pistol and ammunition, which were in his possession, have been supplied by A.6 on the directions of A.7. A.4 is also alleged to have confessed that he got arranged three knives through his brother A.8 to commit the offence.

Learned counsel for the petitioner mainly submits that except the confession of A.4 that the petitioner supplied three knives, there is no other material against him. Even according to him, the petitioner was not even present at the scene of offence which fact is not disputed by the learned Additional Public Prosecutor.

The material on record would disclose that the crime was registered in the year 2012. Thereafter on 18.03.2013 the petitioner herein gave a report to the District Superintendent of Police, Adilabad, stating that he has been falsely implicated in this case. By which, it is clear that the petitioner was aware that he was shown as an accused in the present case. On coming to know about the same, he made an application under Section 438 Cr.P.C. in the month of March, 2013 which was rejected. Two years later, the present application is filed before this Court

seeking release in the event of his arrest. In the process, the police investigated into the matter and filed a charge sheet which was taken on file as P.R.C.No.26 of 2014. While taking cognisance, the Court issued non-bailable warrants against the petitioner which are pending execution. Having regard to the circumstances stated above and in view of the allegations made against the petitioner wherein he is alleged to have supplied three knives to his brother for commission of the offence, the request of the petitioner cannot be considered.

Accordingly, the Criminal Petition is dismissed. However, the petitioner, if so advised, is directed to surrender before the concerned Court and move an application for bail before the appropriate Court after giving prior notice to the Public Prosecutor in which event the same shall be dealt with, in accordance with law, either on the same day or at the earliest.

JUSTICE C. PRAVEEN KUMAR

31st March, 2015

cbs

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