

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.12838 OF 2015

ORDER:

This criminal petition under Sections 437 and 439 of the Code of Criminal Procedure is filed by the petitioner/A.6 seeking bail in S.C.No.475 of 2011 on the file of VII Additional Metropolitan Sessions Judge at Hyderabad for the offences under Sections 302, 120-B, 122, 123, 124-A, 153-A r/w 34 IPC and Sections 16, 18 & 20 of Unlawful Activities (Prevention) Act, 1967 and Sections 25 & 27 of Arms Act.

Heard and perused the records.

The case of the prosecution is that in retaliation to the killings of Namazees in police firing after bomb blast in Mecca Masjid occurred on 18.5.2007, one Vikar Ahmed @ Ali Khan (A.1) formed a terror organization called "Tehreek Galba-e-Islam", procured weapons accompanied by A.2, opened one round of fire and A.2 opened three round of fire with pistol on a police constable by name U.Ramesh, who was on police picket duty at Voulga junction, Himmatpura, Shalibanda, Hyderabad at 5.30 p.m. on 14.5.2010 and caused instantaneous death.

Learned counsel for the petitioner submits that the petitioner is in judicial custody from 14.7.2010 and that he is the only bread earner of the entire family.

The earlier bail application of the petitioner was dismissed by this Court on 6.10.2015 in Crl.P.No.9121 of 2015 with the following observations:

"Taking into consideration the present stage of the case, this Court is of the view that grant of bail at this stage would certainly cause prejudice to further proceedings before the trial Court. But in any event, taking into consideration the submissions made by the learned Public Prosecutor, the trial Court is directed to conclude the trial within a period of one month. If the defence counsel fails to cooperate for cross-examination of the witnesses concerned, it is left open to the trial Court to proceed further. If the trial Court fails to conclude the trial within one month, the petitioner is at liberty to move an application before this Court."

The only grievance of the petitioner before this Court is that in the earlier occasion, though this Court by order dated 6.10.2015 in Crl.P.No.9121 of 2015 directed the trial Court to conclude the trial within a

period of two months, till date, the trial is not concluded.

The learned Additional Public Prosecutor submitted that the property involved in the present case is also concerned with S.C.No.157 of 2008 and at present, the trial in the said S.C. is concluded and the matter is posted for examination of accused under Section 313 Cr.P.C. It is further submitted that there is no intentional delay on the part of the prosecution and since the property concerned in the present crime is also marked in S.C.No.157 of 2008, there was delay and that the said property is now transferred to the trial Court for trial in the present case and the trial would be completed within two months.

Considering the above, this Court is of the view that some more time should be given to the trial Court to conclude the trial. Hence, this Court is not inclined to grant bail to the petitioner at this stage.

The Criminal Petition is accordingly dismissed.

JUSTICE RAJA ELANGO

30.12.2015

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