

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 3089 of 2015

ORDER :

The petitioner, who is accused No.5 in Crime No.149 of 2013 of Proddatur III Town Police Station, Kadapa 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 Sections 324, 307, 120(B) r/w 34 IPC.

It is alleged in the first information report that on account of some disputes relating to an Asramam, the petitioner engaged A.1 to A.4, who are hired assassins, to do away with the life of the informant and on the instigation of the petitioner, A.1 to A.4 beat the informant with beer bottles and stones causing bleeding injuries on his left eye temple region.

Earlier the petitioner filed CrI.P.No.10258 of 2013 seeking anticipatory bail which was rejected on 26.09.2013 having regard to the nature of allegations made. Since then, the petitioner did not make himself available to the Investigating Agency. Nearly 1 ½ year later he moved this Court again under Section 438 Cr.P.C. on the ground that investigation is completed and charge sheet is filed.

Learned Additional Public Prosecutor, on instructions, submits that the petitioner is involved in another crime i.e., Crime No.90 of 2013 of II Town Police Station, Proddatur, Kadapa District registered for the offences punishable under Sections 406, 467, 468 r/w 34 IPC and non-bailable warrants

issued against him are pending execution.

Since the earlier application for bail was dismissed by taking into consideration the nature of allegations made and having regard to the fact that non-bailable warrants issued against the petitioner in connection with Crime No.90 of 2013 are still pending execution, I am not inclined to consider the request of the petitioner though a charge sheet came to be filed on 20.01.2014.

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

13th April, 2015

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