

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.102 of 2015

ORDER:

The petitioners, who are accused Nos.1 to 5, filed the present application under Sections 437 and 439 Cr.P.C. seeking enlargement on bail in Crime No.68 of 2014 of Pedanandipadu Police Station, Guntur District, registered for an offence punishable under section 395 IPC.

The case of the prosecution is that on 29.10.2014 while the informant and his son were going on a motor cycle bearing No.AP 27 AN 9407 carrying cash of Rs.5,00,000/-, on the way, two persons stopped the motor cycle while three others were waiting nearby. All the five accused are alleged to have threatened to kill them and took away cash of Rs.5.00 lakhs. The averments in the material on record disclose that the petitioners were arrested on 10.11.2014 and cash of Rs.5.00 lakhs was recovered from their possession.

Heard learned counsel for the petitioners and learned Public Prosecutor appearing for the respondent-State.

Learned counsel for the petitioners submits that the entire investigation is over, charge sheet is also filed and recovery of cash of Rs.5.00 lakhs from the possession of the accused is absolutely false.

Learned Public Prosecutor opposed the application contending that recovery of Rs.5.00 lakhs from the possession of the accused cannot be invented for the purpose of this case. He

further submits that if the petitioners are released on bail, there is every possibility of them evading the process of law and it would be difficult to apprehend them as they are resident of Rajasthan.

A perusal of the material on record discloses that the petitioners are resident of Rajasthan and according to the Public Prosecutor cash of Rs.1,00,000/- each was recovered from petitioner Nos.3 to 5, Rs.1,90,000/- was recovered from accused No.1 and Rs.10,000/- was recovered from accused No.2. The question of foisting a false case and implicating the petitioners would not arise if the amount is recovered from the accused.

A perusal of the averments in the charge sheet further discloses that test identification parade was conducted by LW.10, wherein the two eye witnesses have identified all the accused. In view of the above, I am not inclined to consider the request of the petitioners. However, since the investigation is over and charge sheet is also filed, the learned Magistrate shall commit the case at the earliest and the learned Sessions Judge shall dispose of the case at the earliest on day to day basis.

Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

27.01.2015

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