

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.195 of 2015

ORDER:

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The petitioner, who is A-6, filed the present application under Section 437 and 439 of the Code of the Criminal Procedure (Cr.P.C.), seeking enlargement on bail in Cr.No.83 of 2014 of Pedavegi Police Station, West Godavari District registered for the offences punishable under Sections 302, 307 r/w 34 IPC.

One of the main grounds urged by the learned counsel for the petitioner that the police have not filed charge sheet within (90) days. He placed on record the docket orders show that the preliminary charge sheet which was filed on 28-08-2014 was returned on 24-09-2014.

Learned Public Prosecutor opposed the petition contending that bar under Section 167 Cr.P.C. cannot be invoked in cases of this nature. But both the counsel were not able to place before the Court the reason for returning the preliminary charge sheet. Since the original record will be available before the trial Court, it will be appropriate if the petitioner is directed to move an application for bail before the trial Court raising the said ground.

With the above direction, the Criminal Petition is disposed of. As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE C. PRAVEEN KUMAR

13-02-2015

Nvl