

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION Nos.13032 & 12263 OF 2015

COMMON ORDER:

These two Criminal Petitions are arising out of the same crime and therefore, they are heard together and being disposed of by this common order.

Crl.P.No.13032 of 2015 is filed by A.8 & A.11 and Crl.P.No.12263 of 2015 is filed by A.17 under Sections 437 and 439 of the Code of Criminal Procedure seeking bail in crime No.192 of 2014 on the file of Unguturu Police Station, Krishna District, registered for the offences under Sections 120B, 148, 201, 202, 302, 212 r/w 149 IPC and Sections 25 & 27 of Indian Arms Act.

This is a case of triple murder. According to the prosecution, A.1, A.2 along with A.7 hatched a plan to kill the deceased, that the petitioners herein being the hired assassins came from Delhi to execute the plan of murder of deceased (father and two sons), that on 24.9.2014, while the deceased were proceeding on the National Highway No.5 in a car, at about 10.10 a.m., the petitioners and others chased them in XUV car, forced them to stop their car near Vega Tataiah Gardens on the highway and they shot all the three deceased at point blank range.

Learned counsel for the petitioners herein submits that the petitioners have never participated in the murder as alleged and that they were arrested on 10.10.2014 and since then they are in jail. He contends that many of the accused including the material accused were enlarged on bail and since the entire investigation is completed and charge sheet is filed, the petitioners may be enlarged on bail.

Opposing the bail petition, the learned Additional Public Prosecutor contends that the petitioners are some of the hired assassins from Delhi and

against them number of cases are pending at Delhi. Though some of the accused in this case were granted bail, the case of the petitioners stands on different footing.

Heard and perused the records.

Learned counsel for the petitioners submitted that the petitioners were not present at the scene of occurrence on the alleged date of occurrence. Even though the petitioners were not present at the time of occurrence, it is the case of the prosecution that earlier similar attempt was made by the petitioners which ended in unsuccessful and an offence under Section 120-B is also registered against the petitioners. The said earlier unsuccessful attempt is also covered by this crime since it is a continuous attempt by the petitioners against the deceased. Further the petitioners are involved in some previous cases. Even though it is submitted by the learned counsel for the petitioners that the petitioners were already acquitted of the earlier offences, this Court is of the view that the involvement in earlier crimes shall also be taken into consideration at the time of grant of bail. Considering the same, this Court is of the view that at this stage, it is not a fit case to enlarge the petitioners on bail.

In the result, both the Criminal Petitions are dismissed.

JUSTICE RAJA ELANGO

30.12.2015

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