HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.5586 of 2015

ORDER:

1. This petition is filed by the petitioners–A20 to A23 under Sections 437 & 439 of Cr.P.C. seeking to grant bail in Crime No.12 of 2015 of G. Madugula Police Station, registered for the offences punishable under Sections 147, 148, 435 r/w 149 IPC, Section 25 of the Indian Arms Act, Sections 10, 13 and 20 of UAPA Act and Sections 8(i) and (ii) of APPS Act.

2. It is stated that originally, the petitioners were arrested in connection with Crime No.11 of 2015 of G. Madugula Police Station and remanded to judicial custody on 25.1.2015 and since then they have been languishing in Central Prison, Visakhapatnam and subsequently, as the charge sheet was not filed within the statutory period in the said crime, the learned Judicial Magistrate of First Class, Visakhapatnam ordered for release of them on bail. But they were not released on bail and they were produced before the learned Magistrate on issuance of PT warrants in the present crime and remanded to judicial custody.

3. It is the case of the petitioners that the allegations against the petitioners were made on the basis of the confession and except the confession there is no other material on record to show that the petitioners committed the alleged offences.

4. Admittedly, the statutory period for completion of the investigation in the present crime is not yet completed. Even though the allegations are based on confession, in view of the nature of the offence alleged, this Court is of the view that the truth or otherwise of such allegations is to be investigated into. In the circumstances and in view of the fact that the statutory period for completion of investigation

in the present crime is not yet completed, this Court is not inclined to grant bail to the petitioners.

5. Accordingly, the Criminal Petition is dismissed. However, the petitioners are at liberty to approach this Court after filing of the charge sheet. If the charge sheet is not filed within the statutory period, the petitioners are at liberty to approach the Court concerned by invoking the provisions under Section 167(2) Cr.P.C.

RAJA ELANGO, J

13th July, 2015
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HONOURABLE SRI JUSTICE RAJA ELANGO

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CRIMINAL PETITION No.5586 of 2015

13.7.2015

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