

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL PETITION No.2225 of 2015

ORDER:

The petitioner, who is accused No.1, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.41 of 2015 of Amalapuram Town Police Station, registered for the offences punishable under Sections 120-B and 307 read with 149 IPC and under Section 23 of the Arms Act.

The case of the prosecution is that all the accused together conspired to commit murder of one Nagendra, who is member of Piniseti Raviraja group. On receiving information that the said Nagendra has gone to Central Jail to see Piniseti Raviraja, accused Nos.2 to 4 in furtherance of their conspiracy hatched a plan to kill the said Nagendra. While they were waiting for him at Kousika Bridge, Peramma Agraharam to execute their plan, the police came there and arrested them. Pursuant to the confession made by accused Nos.2 to 4, the petitioner has been added as an accused.

Learned counsel for the petitioner submits that even accepting the allegations in the report to be true no offence is made out.

Learned Public Prosecutor on instructions submits that the petitioner is involved in 24 cases and as such no leniency need to show.

A perusal of the material placed before the Court would show that the petitioner is involved in 24 cases some of the cases were of the years 1993 and 1994 and the remaining cases were initiated under Section 110 Cr.P.C. But at the same it is to be seen that the petitioner is also a king pin of the group. The case against the petitioner is based on a confession of co-accused but the issue as to the reliability of confession of co-accused while dealing with the bail application is no more *res integra* in view of the judgment of the Apex Court in ***State through C.B.I. V. Amarmani Tripathy***, wherein it was held as under:

“The admissibility or otherwise of the confessional statement and the effect of the evidence already adduced by the prosecution and the

merit of the evidence that may be adduced hereinafter including that of the witnesses sought to be recalled are all matters to be considered at the stage of the trial."

Having regard to the nature of allegations; involvement of the petitioner in number of cases and as the present case is still under investigation, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the Criminal Petition is dismissed.

C. PRAVEEN KUMAR, J

23.03.2015

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