

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

Criminal Petition No.6810 of 2015

Between :-

Khaja Ahmed .. Petitioner/A.6

and

The State of Telangana
Through Public Prosecutor,
High Court, Hyderabad .. Respondent

DATE OF JUDGMENT PRONOUNCED: 13th August, 2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

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| 1. Whether Reporters of Local Newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of Judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether His Lordship wish to see
the fair copy of the Judgment? | Yes/No |

HON'BLE SRI JUSTICE M.S.K.JAISWAL

Criminal Petition No.6810 of 2015

ORDER:-

This is a petition filed under Section 437 and 439 Cr.P.C.,

seeking bail to A.6 in Cr.No.315 of 2014 of P.S.Pahadisharif, Cyberabad, registered under Sections 448, 323, 354, 382, 506 and 509 read with 34 I.P.C.

The allegations in brief are that one Shamsheer Khan (L.W.1) is a resident of Keshavagiri, Chandrayanagutta, Hyderabad and Kum. Mehwish Mozam (L.W.2) is a friend of L.W.1. One Karre Sham (L.W.3), who is a watchman, was examined as an eye-witness to the incident, while Syed Jalal (L.W.4), Akeel Khan (L.W.5), Smt.Sameen Khan (L.W.6), Khaleel Khan (L.W.7) and Habeeb-ur-Rahman (L.W.8) were examined as circumstantial witnesses. A.1 is alleged to be the leader of the incident. A.2 to A.7 were his associates, while A.8 and A.9 harboured A.1 to A.7. On 31-07-2015, L.Ws.1, 2, 4, 6 and 7 went to a farm-house in two cars. After some time, all of them left the farm-house except L.Ws.1 and 2. On coming to know about the same, A.1 to A.7 criminally trespassed into the said farm-house, started beating L.Ws.1 and 2 and took photographs by removing their clothes. L.W.2 is a girl aged about 18 years. A.1 to A.7 are alleged to have taken videos and photographs in their mobile phones and threatened L.Ws.1 and 2 of uploading them in face book. A.1 to A.4 are alleged to have sexually assaulted L.W.1. Further, A.1 to A.7 are alleged to have robbed gold chain, gold ring and cash of Rs.6,000/- from L.Ws.1 and 2 before leaving the scene. On 11-08-2014 the petitioner surrendered before the Court. On 28-08-2014, A.1 to A.9 were taken to police custody vide Court orders and were examined in the presence of L.Ws.15 and 16. After completing the investigation, the police filed the charge-sheet.

After the charge-sheet was filed, the petitioner/A.6 filed Criminal Petition No.2156 of 2015 for grant of bail. This Court by order dated 20-03-2015 held that the petitioner is not entitled to bail considering the nature of the offence and its gravity, but, however, it was observed that as the charge-sheet is already filed, the learned Magistrate is directed to commit the case to the Court of Sessions forthwith and

thereafter the learned Sessions Judge is advised to proceed with the trial and dispose of the case at the earliest. It was further observed that the petitioner/A.6 is at liberty to renew his request after examination of L.Ws.1 and 2.

After the previous bail petition was dismissed, there are no changed circumstances whatsoever. It is specifically contended by the prosecution that if the petitioner/A.6 is now released, there is every likelihood that he may tamper the evidence and threaten the victim and the witnesses. In view of the above and the specific finding of this Court, I see no grounds to consider the bail application of the petitioner/A.6, more particularly, till the evidence of the two material witnesses has been recorded. There are no merits in the petition and the same is liable to be dismissed.

In the result, the Criminal Petition is dismissed.

M.S.K.Jaiswal, J

August, 2015

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HON'BLE SRI JUSTICE M.S.K.JAISWAL

Criminal Petition No.6810 of 2015

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