

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL PETITION No.1736 of 2015

ORDER:

The petitioners, who are A13 and A14, filed the present application under Sections 437 and 439 of Cr.P.C. seeking bail in S.C.No.392 of 2011 on the file of the IX Additional District and Sessions Judge, Wanaparthy. A charge sheet came to be filed against the petitioners and others in Crime No.29 of 2005 of Achampet Police Station, Mahaboobnagar District, registered for the offences punishable under Sections 147, 148, 302, 307, 120 (b) read with Section 149 of IPC, Section 25 (1)(a) and Section 27 of the Indian Arms Act.

A perusal of the averments in the charge sheet would disclose that the incident which is a subject matter of the present case took place on 31.03.2005. It is alleged that on that day, the informant and others were conducting vehicle check in front of main gate of the Achampet Police Station. At that time, seven CPI Maoists headed by Gajji Srisailam attacked the police party by opening indiscriminate fire, as a result of which, about three to four constables sustained injuries. During the course of the said incident, one constable by name Shanker Naik died. Subsequently, the Head Constable Laxmaiah succumbed to bullet injuries while he was taking treatment in Yashoda Hospital, Malakpet. Basing on the above allegations, the present case came to be registered and the police after investigation filed the charge sheet.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor.

A perusal of the material placed before the Court would show that earlier the petitioners were released on bail and they appeared before

the Court till 08.07.2011. Thereafter, the case was posted to 25.07.2011 for framing of the charges. On that day, the petitioners failed to appear before the Court. An application filed seeking condonation of their absence was allowed and the matter was adjourned to 17.08.2011. On that day also, the petitioners were absent and the application for condonation of absence was allowed. On 08.09.2011, the petitioners remained absent and as such Non Bailable Warrants came to be issued against them. On 16.11.2011, they got recalled the warrant and again on 12.03.2012, Non Bailable Warrants were again issued due to their absence, which are executed in the year 2014. Though the crime is of the year 2005, charge sheet was laid in the year 2011 and due to absence of the petitioners before the Court, the case could not be proceeded further.

Having regard to the circumstances stated above, I am not inclined to grant bail to the petitioners. However, the learned IX Additional District and Sessions Judge, Wanaparthy is advised to dispose of the matter as expeditiously as possible.

Accordingly, the Criminal Petition is disposed of.

C.PRAVEEN KUMAR, J

10.03.2015
vhb