

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CrI.P. No. 16145 of 2016

ORDER:-

This Criminal Petition is filed under Section 438 Cr.P.C. seeking to grant anticipatory bail to the petitioner-A1 in the event of his arrest in connection with Crime No. 271 of 2016 of I Town Police Station, Godavarikhani, Karimnagar District, registered for the offences punishable under Sections 364 and 302 read with 34 IPC.

As per the complaint lodged by the *de facto* complainant – Smt. Dara Radha Bai, the case against the petitioner-A1 is that on 10.09.2013 at 01:30 hours, her husband, having made a phone call to somebody, went out along with the neighbours. But, when her husband did not return home till night, she made enquiries with neighbours and came to know that dead body of her husband was lying at Sri Sai Bricks Industry. It is alleged that her husband was mediating a land dispute which is pending before the Revenue Divisional Officer, Peddapalli and that the petitioner and others warned him to withdraw from being a mediator. When her husband did not agree to that they bore grudge against him, kidnapped and killed him. The petitioner is running a School in the name and style “Happy Kids Play School” at Indiranagar, Godavarikhani. The children of A2, who is an Auto Driver, are

studying in that school. The petitioner along with A2 conspired to kill the husband of the complainant, and accordingly, the petitioner, after calling her husband through A2 over phone, kidnapped and killed him with his assistance. A2 was arrested by the police. A2 confessed that he along with the petitioner-A1 killed the husband of the complainant and disclosed *modus operandi* of the offence.

The learned counsel for the petitioner has submitted that the petitioner, who is a paralytic patient, is innocent of the alleged offence and is under treatment. The petitioner is not aware of the disputes between one A.Srinivas and the deceased but it is falsely alleged that the petitioner kidnapped the husband of the *de facto* complainant for the purpose of killing.

In view of the serious allegations levelled against the petitioner which attract the ingredients of Sections 364 and 302 IPC, this Court is of the opinion that custodial interrogation of the petitioner is required, as such, the petitioner is not entitled to be granted anticipatory bail at this stage.

Hence, the Criminal Petition is devoid of merit and the same is accordingly dismissed.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

SURESH KUMAR KAIT, J

24.11.2016
bcj