

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

Criminal Petition No.16862 of 2016

ORDER:

Vide present criminal petition, petitioner seeks direction to release him on bail in connection with Crime No.80 of 2016 registered at Rajupalem Police Station for the offences punishable under Sections 120-B and 302 read with 34 IPC.

Learned counsel appearing on behalf of the petitioner submits that the petitioner/ A2 was not present at the scene of offence and even as per the statement of the complainant/the 2nd respondent as well as the statements of the other witnesses, there is no allegation against the petitioner for the offence under Section 120-B. Learned counsel also submits that the investigation has been completed and that there is no scope for the petitioner to tamper with the evidence. Thus, the petitioner may be released on bail.

The case of the prosecution is that on 15.09.2016, A1, A3 to A5 were watching the deceased at the rice mill situated near to the house of the deceased. When the deceased reached the rice mill at about 20 hours, A1 axed on the chest of the deceased, as a result of which, the deceased fell down. By that time, A4 and A5 caught hold of the legs of the deceased, then A1 and A3 hacked the deceased indiscriminately. On seeing the same, the complainant and her mother rushed there by raising hue and cry, and on hearing the same neighbours went there and noticed that A1 and A3 hacked the deceased. On seeing them, A1, A3 to A5 sped away to the side of rice mill, reached pump house and changed their clothes, which were brought by the petitioner/ A2.

Keeping in view the serious allegation and active role of the petitioner, who is the main conspirator of the crime, I am not inclined to

admit the petitioner on bail. Therefore, the criminal petition deserves to be dismissed.

The criminal petition is accordingly dismissed.

Miscellaneous petitions if any pending in this petition shall stand infructuous.

SURESH KUMAR KAIT, J

Date: 19.12.2016
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