

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.14639 of 2016

ORDER:

The petitioner, who is A2 in Crime No.136 of 2016 on the file of the Euru I Town Police Station, preferred the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with the said Crime, registered against him and others for the offences punishable under Sections 307 & 120B IPC and Sections 25 and 27 of the Indian Arms Act, 1959.

The case of the prosecution is that on 28.06.2016 at about 9.00 P.M. while the informant was returning from gold shop of one Chokkaraja and when he reached the S.B.I. ATM at Agraharam, two persons on one motor bike and two persons on another motor bike came there and opened fire at him leading to injuries. Immediately thereafter the present report came to be filed.

Heard learned counsel for the petitioner and Public Prosecutor appearing for the respondent-State.

Learned counsel for the petitioner submits that the petitioner is innocent of the offences alleged against him and a false case has been foisted on the petitioner due to disputes. He further submits that the petitioner underwent appendicectomy surgery on 08.07.2016 at the Asian Institute of Gastroenterology, Hyderabad and as such the request of petitioner for anticipatory bail may be considered.

Learned Public Prosecutor opposed the said submission.

As seen from the remand report, the petitioner was underwent appendicectomy surgery in the month of July 2016. The record also shows that within two days he was discharged. Learned counsel for the petitioner mainly submits that all other accused were granted regular bail and the request of petitioner herein may be considered. But, the learned Public Prosecutor opposed the same contending that the petitioner, along with others, conspired to do away the life of the informant, as such the request of petitioner cannot be considered.

Having regard to the facts and circumstances of the case; since A3 to A8 were granted regular bail and as the petitioner stands on the same footing as that of A3 to A8, the petitioner shall surrender before the Court concerned and make an application for regular bail, in which event the same shall be considered on the same day or at the earliest.

Accordingly, this Criminal Petition is disposed of.

06.10.2016
mva/ ktl

JUSTICE C. PRAVEEN KUMAR