

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.11864 OF 2016

ORDER:

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

2. The present Criminal Petition came to be filed by the petitioners/A.1 and A.3 under Section 438 Cr.P.C., seeking release in the event of their arrest in Crime No.42 of 2016 of Butchiyyapeta Police Station, Visakhapatnam District registered against them and others for the offences punishable under Sections 120B, 307 read with 34 IPC and 25 (1) (A) and 27 of the Arms Act.

3. The case of the prosecution, as culled out from the remand report, is as under:

The informant, who is injured, is resident of Komallapudi village of Butchayyapeta Mandal. A.1 and A.3 are also residents of the same village. As the informant and his family members developed politically, A.1 and A.3 bore grudge against the informant. A.4 is friend of A.1 and A.3 and arranged A.5 and A.6 to kill the informant. A.2, A.7 and A.8, who are inimical to the informant, also joined them. It is alleged that A.1 played a key role in the criminal conspiracy and collected amounts from other persons in the mandal. On 19.06.2016 at about 19.30 hours, the accused noticed the informant talking on mobile phone at the scene of occurrence. A.2 slowly came close to him with a country made gun, pressed the trigger and fired at him with the gun. Later, A.5 and A.6 escaped from the scene. As a result of which, the informant sustained injuries. Basing on these allegations, the above crime was registered.

4. Learned counsel for the petitioners mainly submit that the actual participants in commission of the alleged incident viz. A.2, A.4, A.5, A.6 and A.7, were already released on bail, and as the petitioner stands on the same footing, prays to consider the request of the petitioners.

5. Learned Public Prosecutor opposed the same stating that the injured is still taking treatment in the hospital and the petitioners hired the other accused for eliminating the injured informant.

6. Having regard to the nature of allegations made the request of the petitioners for grant of anticipatory bail cannot be considered. However, having regard to the circumstances, the petitioners shall surrender before the court concerned and file an application for grant of regular bail giving prior notice to the Public Prosecutor concerned, in which event, the same shall be considered on the same day in accordance with law by taking into consideration the fact that the other accused are already released on bail.

7. The Criminal Petition is disposed of with the above direction.

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JUSTICE C. PRAVEEN KUMAR

Date: 19.08.2016
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