

**HON'BLE SRI JUSTICE U.DURGA PRASAD RAO**

**CRIMINAL PETITION No.2722 of 2016**

**ORDER:**

This is a renewed bail application filed by the petitioner/A.2 against whom the charges are under Sec.201, 212, 120(B), 302 r/w 34 IPC. His previous bail application in CrI.P.No.8991 of 2015 was dismissed on 30.09.2015.

2) The accusation is that he along with A.1 and other accused conspired together for killing one Gangula Surender Reddy @ Maddelacheruvu Suryanarayana Reddy @ Suri and accordingly on 03.01.2011, A.1 while travelling along with the deceased in a car killed him by firing on him and the petitioner/A.2 is concerned, he supplied licensed weapon to A.1 for commission of the offence and he rescued A.1 and gave shelter to him in his native District and he threw away the fire cartridges from the revolver and helmet to conceal the evidence.

3) Heard both sides.

4) Denying the charges, learned counsel for petitioner/A.2 submitted that his previous bail application in CrI.P.No.8991 of 2015 was dismissed by this High Court on 30.09.2015 observing that in a Criminal Revision Case filed by co-accused, a direction was given to the trial Court to complete the trial within a period of three months. Learned counsel submitted that inspite of the said order, the trial is not yet

begun due to the fact that NBW is pending against A.5. The petitioner/A.2 has been languishing in Jail since 2011 and due to inordinate delay in commencement of trial, the petitioner lost his liberty and therefore, bail may be granted to him.

5) Per contra, severely opposing the bail, learned Public Prosecutor submitted that there are no changed circumstances subsequent to the dismissal of the earlier bail application to consider the present bail application and in fact though trial Court tried to frame the charges, one of the co-accused i.e, A.5 absconded and hence NBW is pending against him and in these circumstances, if the petitioner who is a native of Uttar Pradesh State is granted bail, he will not turn up to the Court and thereby the trial will be further delayed. He further submitted that the charges leveled against the petitioner and other accused are grave as the present case is one of the series of faction murders and therefore, if the petitioner is granted bail, he may cause harm to the witnesses and his life may also be at peril.

6) In the light of above rival arguments, the point for determination is:

*“Whether there are merits in the petition to grant bail to petitioner/A.2?”*

7) **POINT**: The petitioner is facing charges under Sec.201, 212, 120(B), 302 r/w 34 IPC. In the cited decision (1 supra),

the Apex Court has observed that in the case of dealing with a bail application in Non-Bailable offences, the Court has to keep in mind:

*“(a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.*

*(b) Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.*

*(c) Prima facie satisfaction of the court in support of the charge.”*

Keeping in view the above, when the facts of the case are perused, as rightly pointed out by the learned Public Prosecutor, the murder of the deceased in the instant case is the outcome of the previous faction murders. Therefore, there is no demur that the charges are grave against the petitioner and other accused. The charge-sheet shows that the petitioner hails from Uttar Pradesh and in that view of the matter, the apprehension of the Public Prosecutor that in case bail is granted there is no guarantee of his appearing before the trial Court in view of the grave nature of the charges leveled against him appears to be true. The information called for from the trial Court shows that the matter is coming up for framing of the charges and NBW is pending against A.5. Having regard to these facts and as the case is in the crucial stage of framing charges, in my considered view it is not a fit case to grant bail.

8) Accordingly, this Criminal Petition is dismissed.

As a sequel, miscellaneous petitions pending, if any,  
shall stand closed.

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**U. DURGA PRASAD RAO, J**

Date: 22.03.2016  
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