

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.9528 of 2016

ORDER:

This Criminal Petition is filed by the petitioners-accused, under Section 438 of the Criminal Procedure Code, seeking anticipatory bail in Crime No.47 of 2016 on the file of Eluru Police Station, West Godavari District, registered for the offences punishable under Sections 143, 147, 148 and 302 r/w.149 IPC.

Heard and perused the material available on record.

The allegations against the petitioners are that they all attacked the neighbouring house of the de facto complainant and on seeing them, the de facto complainant and her husband ran in different directions. Thereafter, the de facto complainant went to her father's place and the accused came there and attacked her father with knives and rods and the de facto complainant followed them and when they tried to attack her she escaped from there and went into her neighbour's house and the some of the accused attacked her in the said house and also the members of the said house and caused injuries to them. The father of the de facto complainant died due to injuries caused by the petitioners.

Learned counsel for the petitioners submitted that the petitioners are innocent of the offences alleged against them and they are falsely implicated in this case and that the earlier bail applications, filed by the petitioners, were dismissed by this Court on the ground that the investigation is not yet completed and charge sheet is not filed and now the investigation was completed and the charge sheet is also filed, and therefore, they may be granted anticipatory bail.

Learned Additional Public Prosecutor opposed this application.

This Court, while dismissing the earlier bail application of the petitioners, observed as follows:

“From the statements of the witnesses referred to above, it is clear that the case of the petitioners does not stand on the same footing in all respects against the petitioners who were granted anticipatory bail earlier. It is to be noted that amongst the petitioners the witnesses speak to the presence of A25, A26, A29, A30, A31, A35, A40, A42, A44, A48 and A50. Since the earlier application filed by some of the accused was rejected on the ground of their presence and if the same yard stick is applied, A25, A26, A29, A30, A31, A35, A40, A42, A44, A48 and A50 would not be entitled for the relief.”

From the above, it is evident that the earlier bail applications of the petitioners were dismissed not on the ground of non-filing of the charge sheet, but on the ground that the petitioners are identified by some of the witnesses. Therefore, this Court is of the view that there is no substantial change of circumstances to consider this application.

Accordingly, the Criminal Petition is dismissed.

RAJA ELANGO, J

July 12, 2016.
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