

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

FRIDAY THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND SIXTEEN

PRESENT
HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION NO. 16033 OF 2016

Between:

Azhar Ahmed Khan & Ors. ... Petitioners/A1, A3 & A6

V/s.

The State of Andhra Pradesh
Represented by its Public Prosecutor [TG]
High Court of Judicature for the State
Of Telangana & Andhra Pradesh,
Hyderabad. ... Respondent
Through the Station House Officer,
Makthal Police Station,
Mahbubnagar district.

Counsel for the Petitioners: Sri Bajrang Singh Thakur

Counsel for the Respondent: Public Prosecutor [TG]

The court made the following: [order follows]

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT**CRIMINAL PETITION NO. 16033 OF 2016****ORDER :**

This Criminal Petition is filed by the petitioners/A1, A3 and A6 under section 437 and 439 of Cr.P.C., seeking to enlarge them on bail in Crime No. 183/ 2013 of Makthal Police Station, Mahbubnagar district, [PRC.No. 38 of 2014 on the file of the Court of Judicial Magistrate of First Class, Narayanpet] registered for the offences punishable under section 395 of IPC.

2. The case against the petitioners is that the defacto complainant is the owner of lorry bearing No. AP-21/X-0552, he along with his son Suryanarayana were eking their livelihood by transporting the goods. On 20/12/2013 at about 13:00 hours, the complainant along with his son went to Raichur and kept the lorry at Uma Trading Company, Rajendera Gunj, Raichur, where they got loaded red gram weighing about 17 tonnes. At

about 21:00 hours they left Raichur, had their supper at Shaktinagar Dhaba, filled diesel at Gudeballur village, and his son slept in the cabin. When the lorry crossed Makthal after 11 Kilometres one white colour vehicle came behind their lorry, over took and stopped in front of their lorry and thereafter about eight to ten persons got down, beat them with hands, sticks, forcibly took them to a distance in their vehicle, snatched away cash of Rs.10,000/- and a cell phone bearing SIM.No.9885453134 from him and Rs.50/- from his son and fled away with stolen booty. The complainant and his son came on the road and found that the offenders also stolen away the lorry with load of 17 tonnes of red gram, worth of Rs.14,50,000/-. Basing on the said complaint, the Sub-Inspector of Police registered the above crime and the Inspector of Police seized the said lorry on National Highway leading from Kurnool to Hyderabad near Gollapally village bus stage at 14:00 hours

on 21/12/2013 with load of 17 quintals by conducting panchanama in the presence of panch witnesses; Pujari Pedda Mallesh, Dabba Shanker, Avula Srinivasulu and Mahamood Maibu.

3. Learned Additional Public Prosecutor appearing on behalf of the State submits that there is a gang of eight persons.

The petitioner No.1/A-1 is from the State of Andhra Pradesh and rest of the accused are from the State of Karnataka and they are habitual offenders. There are seven cases already registered against all the accused in the present cases. A7 and A8 in the present case are still at absconding.

4. Keeping in view the fact that there are number of cases against the petitioners and moreover they are habitual offenders, I am not inclined to admit the petitioners on bail.

5. The Criminal Petition is accordingly dismissed.

6. As a sequel, miscellaneous petitions if any pending in this Criminal Petition shall stand disposed of.

JUSTICE SURESH KUMAR KAIT.



18/11/2016
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HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION NO. 16033 OF 2016



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