

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION NO.9252 OF 2017

ORDER:

Petitioner, who is A5 in Cr.No.153 of 2017 on the file of Station House Officer, Vikarabad Police Station, Vikarabad District, registered for the offences punishable under Sections 341, 302, 120-B and 212 r/w 149 IPC, filed this petition under Section 438 Cr.P.C. seeking anticipatory bail.

2. Learned counsel for the petitioner submitted that even if the allegations made in the complaint are *ex facie* taken to be true and correct, no *prima facie* case is made out against the petitioner. He further submitted that the petitioner was not present at the time of the alleged incident; therefore, it is a fit case to grant pre-arrest bail to the petitioner. **Per contra**, learned Additional Public Prosecutor representing the State submitted that the petitioner along with others hatched up a plan and killed one Krishna Reddy on 05.07.2017; therefore, it is not a fit case to grant pre-arrest bail to the petitioner.

3. The case of the prosecution is that on 05.07.2017 at about 4.30 P.M., the passengers auto bearing No.TS 34 1612 dashed against the motor cycle of Krishna Reddy (hereinafter referred to as 'the deceased'), as a result of which, he fell down on the road. Thereafter, A1 to A3 got down from the auto and hacked the deceased indiscriminately. Due to the injuries, the deceased died. Basing on the complaint lodged by the wife of the deceased, police registered the above case.

4. It is the case of the prosecution that the petitioner along with other accused hatched up a plan to liquidate the deceased and in pursuance of the plan, the petitioner along

with other accused attended the liquor party on 12.06.2017 at the house of A1. In pursuance of the plan, on 05.07.2017, A1 to A3 killed the deceased. It is the further case of the prosecution that on 06.07.2017 the other accused met the petitioner after completion of the incident.

5. A perusal of the record reveals that the petitioner along with other accused hatched up a plan to kill the deceased. The record *prima facie* reveals the role played by the petitioner in the commission of offence.

6. Taking into consideration the gravity of the offences alleged to have been committed by the petitioner and the stage of investigation, I am of the considered view that it is not a fit case to grant bail to the petitioner at this stage.

7. Accordingly, the Criminal Petition is dismissed.

DATED: 11-10-2017.
Hsd

T.SUNIL CHOWDARY, J