

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9295 of 2017

ORDER:

1 This criminal petition is filed by the petitioner-accused No.1, under Sections 437 and 439 Cr.P.C., seeking bail in Crime No.147 of 2017 on the file of the Station House Officer, Tandur Police Station, Vikarabad District, for the offences under Sections 302, 364, 201, 120(b) read with 34 IPC.

2 The learned counsel for the petitioner submitted that the entire case is based on circumstantial evidence and the entire investigation is completed, therefore, it is a fit case to grant bail to the petitioner. ***Per contra***, the learned Additional Public Prosecutor representing the State submitted that the investigation is in progress, therefore, it is not a fit case to release the petitioner on bail.

3 The case of the prosecution is that on 21.07.2017, one Besta Yadappa(deceased) left the house on receiving a phone call, thereafter, he did not turn up. It is the further case of the prosecution that the deceased fell in love with the daughter of A1, therefore, accused Nos.1 and 2 hatched up a plan to kill the deceased and engaged the services of A3 to A6. The petitioner along with other accused kidnapped the said Yadappa, killed him and thrown the dead body in the quarry pit within the limits of Korviched village. Basing on the complaint lodged by the mother of the deceased, initially the case was registered as man missing and later the section of law was altered as stated above.

4 Earlier, the petitioner filed CrI.P.No.8580 of 2017 and the same was dismissed on 19.09.2017 on the ground that investigation was pending. The learned Additional Public Prosecutor, on instructions, submitted that the investigation is still in progress.

5 A perusal of the record reveals the role played by the petitioner in the commission of the offence. There are no changed circumstances from the date of dismissal of the earlier bail petition till date.

6 Taking into consideration the nature of the offences alleged to have been committed by the petitioner, this Court is of the considered view that this is not a fit case to grant bail to the petitioner at this stage.

7 In the result, the petition is dismissed.

6th October, 2017
Kvsn

T.SUNIL CHOWDARY, J

