

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.8580 of 2017

ORDER:

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. The petitioner filed Crl.M.P.No.275 of 2017 on the file of the Court of XII Additional

District and Sessions Judge, Vikarabad, Ranga Reddy District, and the same was dismissed on 04.09.2017 on the ground that if the petitioner is released on bail, there would be a law and order problem.

4. A perusal of the record *prima facie* reveals that the dead body was traced out in a quarry pit basing on the information given by the petitioner and other accused. A perusal of the record reveals that the deceased fell in love with the daughter of A1. A perusal of the record *prima facie* reveals the role played by the petitioner in commission of offence. The record further reveals that the investigation is in progress. As rightly pointed out by the learned Additional Public Prosecutor, if the petitioner is released on bail, the possibility of threatening the prosecution witnesses cannot be ruled out completely.

5. Taking into consideration the nature of the offence alleged to have been committed by the petitioner and the stage of investigation, this Court is of the considered view that it is not a fit case to grant bail to the petitioner-accused No.1.

6. In the result, the criminal petition is dismissed.

19th September, 2017
Rns

T.SUNIL CHOWDARY, J