

HON' BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.1999 of 2017

ORDER:

This criminal petition is filed by the petitioner/ A.1 under Sections 437 and 439 of Cr.P.C., to enlarge him on bail in Cr.No.299 of 2016 of Humayun Nagar PS, Hyderabad, registered for the offences punishable under Sections 393, 307, 452, 120-B read with 34 of IPC, Section 25(1B)(a) & 27 of the Arms Act. The petitioner is in judicial custody since 25.12.2016.

2. It is a peculiar case, where the petitioner along with two others, allegedly purchased a country made pistol at Mungari District, Bihar State by spending Rs.50,000/- and hatched a plan to rob money from the house of C.E.O., KBS Bank, Madhapur Branch, Hyderabad, during demonetization, who is resident of Sri Durga Kanumilli Apartment, Shanti Nagar, Masab Tank. On 18.12.2016 at about 11.30 hours, A.1 and A.2 left the house of A.2 on Hond Activa bearing No.AAP 28 DX 2553 and reached the corporate office which is situated opposite Image Garden, where the office found locked. Later, A.1 and A.2 went to Sri Durga Kanumilli Apartment, Shanti Nagar, which is the house of CEO, KBS Bank, Madhapur Branch. A.2 dropped A.1 nearby the apartment. When A.1 is about to enter into the premises, the watchman of the apartment stopped him and asked him, whom he wanted to meet. In response, A.1 told him that he is a bank employee and he wanted to meet the Bank Manager, who is working in Madhapur. The watchman in turn informed Mrs.Sushree Dalai over intercome phone about visiting of a bank employee to their flat. After seeking the permission, the watchman took the accused to Flat No.101, where Smt. Sushree Dalai opened the

door and invited the accused inside. Meantime, the watchman left the flat and came to parking place. When Mr. Manmath Dalai asked the accused, who he was and what was the purpose of his visit, A.1 told them that he is from crime branch. Having got suspicious, Mr. Manmath Dalai asked him to show his identity card. Then A.1 dodged over the issue and immediately he demanded money. All of a sudden he took a fire arm and fired against wall. Shocked over the incident, Mr. Manmath Dalai and his wife were about to enter into the bed room, A.1 fired second round from behind, causing grievous injury to Mr. Manmath Dalai's thigh. On the strength of the complaint, police registered the crime and issued FIR.

3. The main contention of the petitioner is that he is working as a cook in a canteen and he is the sole bread winner of the family.

4. Learned Additional Public Prosecutor (TS) submits that the investigation is pending and some incriminating material was recovered from the possession of the petitioner and A.3 is still absconding and in the event of enlarging the petitioner on bail, it is difficult to apprehend A.3 and it is not a fit case to enlarge the petitioner on bail.

5. Since, it is a case where petitioner along with two others, allegedly hatched a plan to rob money, purchased a country made pistol at Mungari District, Bihar State and in pursuance of their plan, they reached the KBS bank, Madhapur Branch, but the bank was found locked and thereafter, they entered into the house of Manmath Dalai and fired two rounds, one against the wall and one against Manmath Dalai, causing injury, while demanding money. The petitioner was under the impression that due to demonetization, the injured being the CEO of the bank, is expected to be in possession of new currency. The police also

recovered incriminating material from the possession of the petitioner. In the circumstances, it is difficult to conclude that the petitioner did not commit any offence *prima-facie*. Apart from it, the investigation is in midway and A.3 is still absconding. If the petitioner is enlarged on bail, chances of apprehension of A.3 are bleak. Therefore, at this stage, the petitioner cannot be enlarged on bail, as he involved in a heinous crime of robbery. Consequently, the petition is liable to be dismissed.

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

Date: 14.03.2017
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M. SATYANARAYANA MURTHY, J



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