

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6182 of 2017

ORDER:

This criminal petition is filed, by the petitioners-accused Nos.5 and 6, under Section 438 Cr.P.C., seeking pre-arrest bail in Crime No.62 of 2017 on the file of Station House Officer, Rentachinthala Police Station, Guntur District, registered for the offences punishable under Sections 147, 148, 302 and 120-B read with 149 IPC.

2. Learned counsel for the petitioners strenuously submitted that the *de facto* complainant falsely implicated the petitioners after due deliberations. He further submitted that there is a delay of one day in lodging the complaint that itself falsifies the prosecution case. **Per contra**, learned Additional Public Prosecutor submitted that the petitioners herein along with other accused hatched up a plan and killed the deceased. He further submitted that the investigation is in progress; therefore, it is not a fit case to grant pre-arrest bail to the petitioners.

3. It is the case of the prosecution that the petitioners herein along with other accused hatched up a plan to kill Mekapothula Venkateswara Reddy and Mekapothula Padmavathi due to land disputes. In pursuance of the conspiracy, the petitioners along with other accused killed the deceased persons on 08.06.2017 in their fields.

4. The petitioners filed CrI.M.P.No.1417 of 2017 in Crime No.62 of 2017 on the file of X Additional Senior Judge, Gurazala, under Section 438 Cr.P.C., and the same was dismissed on 17.07.2017.

5. A perusal of the record reveals that there is a longstanding dispute between the deceased persons on one side and the petitioners herein and others on the other side. The deceased and the petitioners are interrelated to each other. The alleged incident took place on 08.06.2017 at about 04:00 pm and the complaint was lodged on 09.06.2017 at about 06:45 AM. It is need less to say, mere delay in lodging the complaint by itself is not a valid ground to disbelieve the prosecution version.

6. A perusal of the record reveals that the complainant mentioned the names of the petitioners in the complaint. As per the allegations made in the complaint, the petitioners along with others hatched up a plan and killed the deceased persons. A perusal of the record reveals that this Court dismissed CrI.P.No.6229 of 2017 filed by accused Nos.6 to 8 on 31.07.2017. The record, *prima facie* reveals the role played by the petitioners in the commission of offence. Taking into consideration the seriousness of the offences alleged to have been committed by the petitioners as well as stage of the investigation, this Court is of the considered view that it is not a fit case to grant pre-arrest bail to the petitioners.

7. Accordingly, the Criminal Petition is dismissed.

AUGUST 28, 2017
YVL

T.SUNIL CHOWDARY, J

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Date:28.08.2017