

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.1166 OF 2017

ORDER:

This criminal petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner/A-4 on bail, apprehending his arrest in Crime No.257 of 2011 on the file of RGI Airport , Cyberabad District, for the offences punishable under Sections 394 and 411 IPC in connection with the above crime.

It is the case of the prosecution that during the night of 19.06.2011 at about 19:30 hours, petitioner and others robbed gold chain and four gold rings and caused injuries to both the hands of defacto complainant. Further, it is stated in the complaint that the petitioner/A-4 and others snatched away cash of Rs.60,000/- and also snatched two cell phones bearing Nos.9666986458 & 9848192535. The total value of the gold, cash and other articles that were stolen from the defacto complainant was worth Rs.2,60,000/-. On the strength of the complaint lodged by the defacto complainant, the police registered Crime No.257 of 2011.

It is the case of the petitioner that nothing was seized from his possession. It is asserted that there is abnormal delay in the completion of investigation and even as on today, the investigation is not completed. Therefore, it is submitted there is no *prima facie* material against the petitioner to conclude that he committed an offence punishable under Sections 394 & 411 IPC and prayed for enlarge the petitioner/A-4 on pre-arrest bail, in the event of his arrest in connection with the above crime.

Learned Public Prosecutor for the State of Telangana would contend that the investigation is not completed since A-5 was not identified, but recently A-5 was found and arrested he is in judicial custody. Therefore, at this stage, the pre-arrest bail cannot be granted to the petitioner/A-4 who is absconding since long time and prayed to dismiss the criminal petition.

As seen from the complaint, the defacto complainant was robbed by A-2 to A-4 and the petitioner herein/A-4 is one among them who was involved in the robbery of gold chain, cash and other articles from the defacto complainant. Allegedly, part of the property was recovered from the possession of A-4. The petitioner/A-4 filed Crl.M.P.No.261 of 2017 in Crime No.257 of 2011 on the file of III Additional Metropolitan Sessions Judge, Ranga Reddy District. The Sessions Judge dismissed Crl.M.P.No.261 of 2017 observing that TIP has to be conducted and thereafter, no changes have taken place in investigation. As on today, there is no further progress in the investigation, moreover delay in investigation was not due to investigation on the part of investigation agency but on account of abscondence of the accused. Hence, it is not a ground to enlarge the petitioner on pre-arrest bail at this stage. That too there is every possibility to interfere with investigation and threatening witness, consequently the petitioner is liable to be dismissed.

At this stage, it is difficult to conclude *prima facie* that the petitioner/A-4 did commit no offence. Therefore, I am of the view that it is not a fit case to grant pre-arrest bail to the petitioner-A-4.

In the result, the criminal petition is dismissed. No costs.

Consequently, miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

Date:17.02.2017

SP

