

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION NO.6425 OF 2017

ORDER:

Petitioner, who is the sole accused in Cr.No.153 of 2017 on the file of Station House Officer, Sadasivpet Police Station, Medak District, registered for the offences punishable under Sections 302 and 201 IPC, filed this petition under Sections 437 and 439 Cr.P.C. seeking regular bail.

2. Learned counsel for the petitioner strenuously submitted that there is no eye witness to the incident and the alleged extra judicial confession of the petitioner falsifies the prosecution version. He further submitted that the petitioner was falsely implicated in this case. He further submitted that the entire investigation is completed except filing of formal charge sheet; therefore, it is a fit case to grant bail to the petitioner. **Per contra**, learned Additional Public Prosecutor representing the State submitted that the material placed before the Court *prima facie* reveals that the petitioner killed D.Balaraj. He further submitted that the investigation is in progress; therefore, it is not a fit case to grant bail to the petitioner.

3. The facts leading to filing of the present petition are briefly as follows: One Gudla Jayapal is the de facto complainant. As per the prosecution version, on 16/17-05-2017, while D.Balaraj (hereinafter referred to as 'the deceased') was sleeping on the terrace, the petitioner, due to previous animosity, caused bleeding injuries to the deceased, with a hammer, on the head and other parts of the body. Immediately, the deceased was shifted to hospital, where he died. Initially, police registered a case under

Sections 307 and 201 IPC. Subsequently, the Section of law was altered to Section 302 IPC.

4. The petitioner filed CrI.M.P.No.636 of 2017 on the file of the Family Court-cum-VII Addl. District and Sessions Judge, Medak at Sangareddy, under Sections 437 and 439 Cr.P.C. seeking bail and the same was dismissed by order, dated 12-07-2017.

5. A perusal of the record reveals that the petitioner was arrested on 20-05-2017 and remanded to judicial custody. The deceased and the accused were working in MRF company. The material placed before the Court *prima facie* reveals the role played by the petitioner. The material placed before the Court *prima facie* establishes that the petitioner committed the offence punishable under Sections 302 and 201 IPC. A perusal of the record reveals that investigation is in progress. If the petitioner is released on bail at this stage, the possibility of threatening the prosecution witnesses cannot be ruled out completely.

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

7. Accordingly, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

DATED:04-08-2017.

Hsd