

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.7975 of 2017

ORDER:

1 This Criminal Petition is filed, by the petitioners/accused Nos.1 to 4, under Sections 437 and 439 of Cr.P.C., seeking bail in Crime No.85 of 2017 on the file of the Station House Officer, Sabbavaram Police Station, Visakhapatnam district registered for the offences punishable under Sections 302 r/w 34 of IPC.

2 The learned counsel for the petitioners submitted that the entire investigation is completed, therefore, this is a fit case to grant bail to the petitioners.

3 *Per contra*, the learned Additional Public Prosecutor submitted that if the petitioners are released on bail, they may threaten the prosecution witnesses, more particularly, the daughter of the deceased. He further submitted that the investigation is still in progress and hence this is not a fit case to grant bail to the petitioners.

4 It is the case of the prosecution that on 03.08.2017 the petitioners abused one Mounika, who is the daughter of one Lalam Srinivasarao (hereinafter referred to as 'the deceased'). When the deceased questioned the high handed behaviour of the petitioners, the petitioners beat the deceased indiscriminately, due to which, he died. Basing on the complaint lodged by the wife of the deceased, the above case was registered.

5 The petitioners filed CrI.M.P.No.503 of 2017 on the file of the Court of the X Additional District and Sessions Judge, Visakhapatnam at Anakapalle, and the same was dismissed on

21.08.2017 with an observation that if the petitioners are released on bail, they may threaten the prosecution witnesses.

6 A perusal of the record reveals that due to petty quarrel, the petitioners killed the deceased. A perusal of the record reveals that the investigation is still in progress. As observed by the court below and as submitted by the learned Additional Public Prosecutor, if the petitioners are released on bail, the possibility of the petitioners threatening the prosecution witnesses, more particularly, the daughter of the deceased by name Mounika, cannot be ruled out completely.

7 Taking into consideration the gravity of the offence alleged and the stage of investigation, this Court is of the considered view that this is not a fit case to enlarge the petitioners on bail at this stage.

8 Accordingly, this petition is dismissed.

Date: 14.09.2017

Kvsn

T.SUNIL CHOWDARY, J