

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6406 of 2017

ORDER:

This criminal petition is filed, by the petitioners-accused Nos.1 and 2, under Sections 437 and 439 Cr.P.C., seeking bail in Crime No.231 of 2017 on the file of the Station House Officer, Balanagar Police Station, Cyberabad, for the offences punishable under Sections 454, 380 and 436 of IPC and Sections 3 and 4 of the Prevention of Damage to Public Property Act, 1984 (the PDPP Act).

2. The facts leading to filing of the present petition are briefly as follows: Basing on the complaint lodged by Darmana Dhali Raju, the Station House Officer, Balanagar Police Station, registered a case in Crime No.31 of 2017 as fire accident. As per the allegations made in the complaint, on 04.6.2017, at about 11.30 a.m., the petitioners had poured petrol on the ATM of the State Bank of India situated at Balanagar and set fire to the ATM. It is further alleged that the petitioners had taken away an amount of Rs.5,00,000/- from the ATM.

3. The learned counsel for the petitioners submitted that an amount of Rs.5,00,000/- was recovered from the petitioners; therefore, it is a fit case to enlarge the petitioners on bail. He further submitted that the petitioners were falsely implicated in this case. **Per contra**, learned Additional Public Prosecutor representing the State submitted that the offence under Section 436 of IPC is punishable with imprisonment for life. He further submitted that the petitioners had intentionally and willfully taken

away the cash from the Automated Teller Machine (ATM) and set fire to the ATM; therefore, it is not a fit case to grant bail to the petitioners.

4. A perusal of the record reveals that the petitioners filed CrI.M.P. No.2400 of 2017 under Section 439 of Cr.P.C., on the file of the Court of XV Additional Sessions Judge, Ranga Reddy District, Kukatpally at Miyapur, and the same was dismissed on 11.7.2017. The record further reveals that the petitioners entered into the ATM and taken away the amount of Rs.5,00,000/-, which belong to the State Bank of India. The record further reveals that the petitioners poured the petrol and set fire to the ATM. The record also reveals that the investigation is in progress; therefore, if the petitioners are released on bail, at this stage, they may tamper the prosecution witnesses.

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

6. Hence, the criminal petition is dismissed.

T.SUNIL CHOWDARY, J

August 02, 2017
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