

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.8565 of 2017

ORDER:

This petition is filed, by the petitioner-accused No.1, under Section 438 Cr.P.C., seeking anticipatory bail in Crime No.205 of 2017 on the file of the Station House Officer, Taluq Police Station, Kurnool, registered for the offences punishable under Sections 147, 148 and 302 read with 149 of I.P.C.

2. The learned counsel for the petitioner submitted that even if the allegations made in the complaint are *ex facie* taken to be true and correct, no *prima facie* case is made out against the petitioner. She further submitted that the other accused were released on regular bail.

3. The learned Additional Public Prosecutor submitted that the investigation is in progress; therefore, it is not a fit case to grant pre-arrest bail to the petitioner.

4. The case of the prosecution is that on 29.7.2017, when one Perapogu Raju (hereinafter referred to as, the deceased) was in the house, accused Nos.5 and 6 took him to the fields on the pretext of consuming alcohol. The further case is that the petitioner along with other accused killed the deceased in the agricultural fields. The wife of the deceased lodged a complaint to the Station House Officer, Taluq Police Station, Kurnool, who in turn registered the above case.

5. The learned counsel for the petitioner submitted that the petitioner filed CrI.M.P.No.1322 of 2017 on the file of the Court of

the IV Additional District and Sessions Judge, Kurnool, under Section 438 of Cr.P.C., and the same was dismissed on 29.8.2017.

6. The case of the prosecution is that due to previous disputes, the petitioner along with other accused hatched up a plan to liquidate the deceased and in pursuance thereof they killed the deceased on 29.7.2017. The learned counsel for the petitioner submitted that the other accused were released on regular bail. Merely because the other accused were released on regular bail, that itself does not confer any vested right in favour of the petitioner for grant of pre arrest bail. A perusal of the record *prima facie* reveals the role played by the petitioner in commission of the offence. As rightly pointed out by the learned Additional Public Prosecutor, if the petitioner is released on bail, he may tamper with the prosecution evidence.

7. Taking into consideration gravity of the offence as well as the stage of investigation, this Court is of considered view that it is not a fit case to grant pre arrest bail to the petitioner.

8. Accordingly, the criminal petition is dismissed.

T.SUNIL CHOWDARY, J

Date: 21.09.2017
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