

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6399 of 2017

ORDER:

This criminal petition is filed, by the petitioner-accused No.3, under Section 438 Cr.P.C., seeking pre-arrest bail in Crime No.15 of 2017 on the file of Station House Officer, Khanapur Police Station, Nirmal District, registered for the offences punishable under Section 365 IPC.

2. Learned counsel for the petitioner strenuously 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 for the offences punishable under Sections 364, 302 and 201 IPC and Section 3 (2) (v) of the SCs. & STs (POA) Act, 1989. He further submitted that the entire investigation is completed except filing of the charge sheet. ***Per contra***, learned Additional Public Prosecutor submitted that the investigation is in progress and if the petitioner-accused No.3 is released on bail, he may tamper with the prosecution witnesses and therefore; it is not a fit case to grant pre-arrest bail to the petitioner.

3. The petitioner filed Crl.P.No.1765 of 2017 and the same was dismissed by this Court on 17.03.2017 with the following observation:

“In view of the above, the act of the petitioner-accused No.3 would attract Section 201 IPC and also Section 3 (2) (v) of the Act. Even otherwise, the investigation as on today is not completed and some more witnesses are to be examined. At this stage, if the petitioner-accused No.3 is enlarged on pre-arrest bail, there is every possibility of his interfering with the further investigation. Therefore, I

find that it is not a fit case to enlarge the petitioner-accused No.3 on pre-arrest bail at this stage.”

4. Learned Additional Public Prosecutor submitted that the investigation is in progress. As rightly pointed out by learned Additional Public Prosecutor that the petitioner-accused No.3 is released on bail, the possibility of tampering with the prosecution witnesses cannot be ruled out. There are no changed circumstances from the date of dismissing of the previous bail petition till date. Taking into consideration the nature of offences alleged to have been committed by the petitioner, this Court is of the considered view that it is not a fit case to grant pre-arrest bail to the petitioner.

5. Accordingly, the Criminal Petition is dismissed.

AUGUST 28, 2017
YVL

T.SUNIL CHOWDARY, J



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Date:28.08.2017