

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Petition No.4647 of 2017

ORDER:

In this petition filed under Sections 437 and 439 Cr.P.C., petitioners/A3 and A7 seek for regular bail in Cr.No.103/2017 of Mogaltur PS, West Godavari District wherein the accused allegedly committed offences under Sections 338, 307 r/w 34 IPC.

2a) The de-facto complainant—Bokka Vijayaka Vijay gave report to police with the allegation that he is residing at Kalipatnam and doing milk and curd business and he is a bachelor; himself and one K.Usha Rani—daughter of A1 are loving each other for the last eight years and knowing this fact, A1 arranged rowdies and goondas and beat him at B.V.Raju College, Bhimavaram and dispute was resolved by elders; later, A1 shifted his family to Balusumudi, Bhimavaram but the love between complainant and daughter of A1 continued and in that regard once A1 threatened him with dire consequences; while so, on 07.05.2017 at about 6 AM, when the complainant was taking milk and curd sachets on his Hero Honda Deluxe motorcycle bearing No.AP 37 CU 0980 for delivering at Patapadu village, while he entered Patapadu village after crossing Subrahmanya Swamy Temple at 7 AM, a Bolero Van bearing No.AP 16 T 2244 came in opposite direction being driven by its driver in a rash and negligent manner and when it approached near the motorcycle, the driver of the van (A2) shouted that he would kill him and hit the motor cycle; the complainant fell down, then the driver and four persons came with iron rods and surrounded him; on seeing the incident K.Yedukondalu and M.Viswanadham rushed to the scene and on seeing them the accused fled away; the complainant got

fractured his leg and was admitted in hospital. His complaint was registered as crime and police commenced the investigation.

c) So far as petitioners/A3 and A7 are concerned, the accusation against them as per their confessional statements is to the effect that A3 is doing transport business and A1 and A2 contacted petitioner/A3 to purchase a truck for him to hit the complainant and kill him; initially they wanted to purchase a truck from petitioner/A3 but bargain could not struck and therefore, on the mediation of petitioner/A3, they purchased a Bolero truck bearing No.AP 16 T 2244 to execute their plan and thus petitioner/A3 knows about the wicked plan of A1 and A2 to kill the complainant by hitting him with vehicle. Further, A1 and A2 allegedly requested petitioner/A3 to engage a driver to the said Bolero truck to execute their plan and accordingly he took them to petitioner/A7 who is a driver. However, petitioner/A7 did not agree to drive the vehicle and hit the complainant, but he engaged another driver viz. A.Bhogeswar Rao (A4) for that purpose. A1 and A2 gave some advance amount to A4 and A7 and asked A4 to come to Bhimavaram on the next day and accordingly, A4 went to the house of A3 on 06.05.2017 and he took him to the house of A1 and there they discussed about their plan and ultimately executed the same.

3) Denying the allegations, learned counsel for petitioners/A3 and A7 argued that except the confessional statements, there is no other material to connect the petitioners to the offence. He further argued entire investigation is completed and filing of charge sheet is only a formality. He thus prayed for bail.

4) Learned Addl.P.P. opposed the bail stating that it is the petitioners and other accused masterminded to kill the complainant but their effort could not be fructified because the motorcycle of complainant was entangled under Bolero van as otherwise A4 would have hit the complainant and killed him. Learned Addl.P.P. would further argue that investigation is still pending and police are trying to unearth the complicity of some other persons in the incident.

5) As can be seen from the CD file, there is a strong *prima facie* case against the petitioners/A3 and A7. The record would show that they were very much aware of wicked plan of A1 and A2 to kill the complainant and still they assisted them to a great extent. The investigation is still pending and charge sheet is not filed. Having regard to the gravity of the offence and pending investigation, it is not a fit case to grant bail to the petitioners.

6) Accordingly, the bail application is dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U.DURGA PRASAD RAO, J

Dt: 28.06.2017

Murthy