

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.3411 OF 2017

ORDER:

This criminal petition, under Sections 437 and 439 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed by the petitioner/A.2 to enlarge him on bail in Crime No.77 of 2016 of Dakkili Police Station, SPSR Nellore District, registered for the offences punishable under Sections 449 and 302 of the Indian Penal Code, 1860 (for short 'I.P.C.'), as he is in judicial custody from 22.02.2017.

The case of the prosecution, in brief, is A.1 approached the petitioner/A.2 to eliminate his father – Lakshmana Reddy, as the petitioner is a former naxalite, he settled bargain for one and half acre land as consideration for assassination of father of A.1. Thus, on 10.08.2016 during mid night the petitioner/A.2 along with A.1 entered into the house, through another door way, then the petitioner/A.2 immediately switched off the light, and A.1 caused head injury to his father, which resulted into the death of father of A.1.

The contention of the petitioner/A.2 is that entire investigation is completed and A.1 was already enlarged on bail, therefore sought for bail, while pleading his innocence.

The learned Public Prosecutor for the State of Andhra Pradesh opposed the petition on the ground that the petitioner/A.2 is a former naxalite and in case of releasing the petitioner, there is every possibility of threatening witnesses, and he was acquitted in two or more cases in Nellore District and the police enquiring about his involvement in other cases in Kadapa District, and prayed for dismissal of the criminal petition.

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The previous conduct of transferring the land, payment of tax and prosecuting the proceedings before this court by filing writ petition etc., would, *prima facie*, go to show that they hatched a plan to do away with the life of father of A.1, for wrongful gain. The allegations made against the petitioner/A.2 are serious in nature and when A.1 approached the petitioner to eliminate his father for wrongful gain i.e., to get the property after his death, he settled bargain for one and half acre as a share for hiring him to assassinate father of A.1. Thus the petitioner/A.2, being a former naxalite, became hired assassin and committed murder of father of A.1 along with A.1, *prima facie*. But granting bail to A.1 is different for the reason that the petitioner's past history must also be taken into consideration to consider bail application filed by the petitioner. According to the material on record, the petitioner/A.2 is a former naxalite involved in two more crimes and was acquitted by the court in Nellore District and if he is enlarged on bail, there is every likelihood of threatening the witnesses because of his previous history. Therefore, at this stage it is difficult for me to accept the contention of the petitioner to enlarge him on bail. Consequently, the criminal petition is liable to be dismissed.

In the result, the criminal petition is dismissed.

M.SATYANARAYANA MURTHY, J

28.04.2017
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