

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5048 of 2017

ORDER:

1 This criminal petition is filed, by the petitioner/accused Nos.2 to 9, under Section 438 Cr.P.C., seeking anticipatory bail in Crime No.39 of 2017 on the file of the Station House Officer, Rompicherla Police Station, Guntur District registered for the offences punishable under Sections 302 and 201 r/w 34 of IPC.

2 The petition against petitioner Nos.7 and 8 / Accused Nos.7 and 8 is dismissed as withdrawn.

3 The learned counsel for the petitioners strenuously submitted that even if the allegations made in the complaint are ex facie taken to be true and correct, no case is made out against the petitioners for the offence punishable under section 302 of IPC. He further submitted that the deceased and the accused were related to each other, therefore, the petitioners, buried the dead body without any evil motive. He further submitted that the petitioner Nos.7 and 8 were released on bail by the District & Sessions Court, Guntur, hence this is a fit case to grant anticipatory bail to the petitioner Nos.2 to 6 and 9.

4 ***Per contra***, the learned Public Prosecutor representing the State submitted that the petitioners herein with an ulterior motive to screen away the evidence have forcibly taken the dead body of the deceased and buried the same. He further submitted that the petitioners pushed the police officers and prevented them from discharging their official duties, therefore, it is not a fit case to grant anticipatory bail to the petitioners.

5 The facts leading to filing of the present petition, briefly, are as follows:

6 As per the allegations made in the complaint, on 23.4.2017 due to family disputes, accused No.1 beat Bode Venkateswara Reddy (hereinafter referred to as 'the deceased') on his head. Immediately after the incident, the deceased was shifted to GBR hospital, Narsaraopet, wherein he died. It is the further case of the prosecution that on 24.4.2017 the petitioners herein along with others having hatched up a plan to screen away the evidence, had taken away the dead body of the deceased to the burial ground and completed the formalities. It is further alleged that when the police intervened, the petitioners herein pushed them and prevented them from discharging their duties.

7 A perusal of the record prima facie reveals that the petitioners herein prevented the police from discharging their official duties. A perusal of the record prima facie reveals that the petitioners, with an ulterior motive, to screen away the evidence, buried the dead body of the deceased without informing the death of the deceased to the concerned police.

8 Having regard to the nature of the offence alleged to have been committed by the petitioners, this Court is of the considered view that this is not a fit case to grant anticipatory bail to the petitioners.

9 In the result, the petition is dismissed.

T.SUNIL CHOWDARY, J

Date: 7th August 2017
Kvsn