

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.9075 OF 2017

ORDER:

This Criminal Petition, under Section 439(2) of Cr.P.C., is filed by the petitioner/*de-facto* complainant, seeking to cancel the anticipatory bail granted to the respondents/A.1 to A.7 by the Judge, Family Court-cum-Additional District and Sessions Judge, at Mahabubnagar in CrI.M.P. No.602 of 2017 in Crime No.56 of 2017 on 21.06.2017.

Heard the learned counsel for the petitioner/*de-facto* complainant, learned Additional Public Prosecutor appearing for the respondent-State, learned counsel for the respondents/A.1 to A.7 and perused the record.

Learned counsel for the *de-facto* complainant would submit that within one month from the date of remand of A.1 to A.7 were granted bail; there are allegations of committing a heinous offence of murder by A.1 to A.7; after release A.1 to A.7 are threatening the *de-facto* complainant with dire consequences and influencing the witnesses and, hence, prayed for the aforesaid relief.

Learned Additional Public Prosecutor did not concede to the submissions made by learned counsel for the *de-facto* complainant.

Learned counsel appearing for A.1 to A.7 submits that while granting bail to the respondents/A.1 to A.7 under Section 439 of Cr.P.C. the learned Sessions Judge has imposed certain conditions against respondents/A.1 to A.7 and they are complying with the same. Neither the

respondents/A.1 to A.7 are threatening any witnesses nor meddling in the investigation process in any manner whatsoever.

In view of the rival submissions, the **point** for consideration is whether the order dated 21.06.2017 passed in CrI..M.P. No.602 of 2017 by the learned Sessions Judge is liable to be cancelled?

POINT: A perusal of the complaint said to have sent to the Police after release of A.1 to A.7 reveals that the respondents/A.1 to A.7 threatened the *de-facto* complainant with dire consequences to kill her, her family members and her relatives if she did not withdraw the case against them. There is no specific mention of the date and time of the alleged threat said to be given to the *de-facto* complainant. In the copy of the report said to have filed with the Police, there is no mention of the date, simply it is written September, 2017. In the impugned order dated 21.06.2017, while granting bail to the respondents/A.1 to A.7, the learned Sessions Judge observed that examination of the witnesses and preparing panchanama was over; recovery of material objects was also completed and ultimately granted bail to the respondents/A.1 to A.7 with the following conditions:

- “1. That they shall attend before the SHO Hanwada on every Sunday.
2. They shall not influence the witnesses.
3. They shall not threaten the witnesses.
4. They shall not repeat the offences of such type.
5. They shall be available for investigation, if any, by their presence before investigation officer whenever required.”

As per the material placed on record, it cannot be said that the respondents/A.1 to A.7 are indulged in threatening the *de-facto* complainant or influencing the witnesses as contended by the *de-facto* complainant. There is no substance in the instant Petition and the same is devoid of merits.

Hence, the Criminal Petition is dismissed.

Dr. SHAMEEM AKTHER, J

Date: 04.12.2017.
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