

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRL.P.No.2230 OF 2017

ORDER:

This criminal petition is filed under Section 438 of Cr.P.C to enlarge the petitioner/A3 on bail in the event of his arrest in connection with Crime No.618 of 2016 of Ajit Singh Nagar Police Station, Vijayawada, Krishna District, registered for the offences punishable under Sections 302, 449 read with 34, 109, 201, and 120(B) of IPC.

It is a case of murder of a gold businessman. A1 in this case is wife of the deceased, A.2 is the clerk of the deceased and the petitioner/A3 is a person who hatched a plan along with A1 and A2 along with others. In pursuance of the plan, when husband of A1 returned to home and knocked the door, A2 sprinkled the water mixed with red chilly powder into his eyes and beat him with a chutney ponder on his head, as a result of which he fell down and struggling for life. Then A1 and A2 administered liquor to A1 to make believe that he died on account of excess consumption of liquor and later he died. A1 and A2 shifted the dead body of the deceased on a motor cycle to Gunadala Railway Track. Initially, the police registered the case under Section 174 of Cr.P.C. as man missing and later found that A1 and A2 are responsible for the death of husband of A1. Accordingly, the section of law was altered into Sections 302, 449 read with 34, 109, 201 and 120-B of IPC. On interrogation, A3 to A7 were also taken into custody and they confessed that after commission of murder, A1 and A2 taken away the cash and jewellery and that A2 in order to get over from the

penal consequences with the support of his friends A3 to A7, shared the said amount. In pursuance of the conspiracy and plan hatched by them, A1 and A2 killed and later petitioner/A3 snatched away the gold and cash from the deceased. Based on the said confessional statement, the police registered the above crime.

It is the contention of the learned counsel for the petitioner before this Court that the petitioner is no way concerned with the incident and that he met with an accident and sustained fracture injuries and produced certificate issued by the Amulya Nursing Home and that he was not actually participated in the crime.

Learned Additional Public Prosecutor contended that the petitioner is the main culprit, who engaged the services of A1 and A2 to put an end to the life of husband of A1 due to illicit contact with A1 and he is interfering with their real estate business. Therefore, he also conspired with the accused and snatched away gold and cash, which is required to be recovered in custodial interrogation.

As seen from the material on record, based on the confessional statement of A1 and A2, the petitioner along with other accused conspired together one day prior to the incident to put an end to the life of husband of A1 and in pursuance of their pre-plan, A1 and A2 killed the husband of A1 in the manner stated above and shifted the dead body to Gunadala Railway Track so as to create an impression that they are not responsible. However, the material shows that there is a motive to do away with the life of husband of A1 as he is coming in the way of the petitioner/A3 in the real estate business affairs. The investigation is not yet completed and some

more witnesses are required to be examined. If the petitioner is enlarged on bail, there is every possibility of interfering with the investigation and threat to the witnesses. On the other hand, though the petitioner is bedridden while undergoing treatment for fracture injury, the police did not arrest for the reasons best known to them and it appears that they are enabling the petitioner to approach the Court and obtain bail on one reason or other.

Taking into consideration the facts and circumstances of the case, I am not inclined to grant pre-arrest bail.

Accordingly, the criminal petition is dismissed.

Pending miscellaneous petitions in the petition, if any, shall stand closed.

30.03.2017
kvrn

M.SATYANARAYANA MURTHY,J

