

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.8311 of 2017

ORDER:

This criminal petition is filed by the accused No.7, under Section 438 of Cr.P.C., to grant pre arrest bail in Crime No.95 of 2016 on the file of the Station House Officer, Rompicherla Police Station, Guntur District, for the offence punishable under Sections 302 and 120-B read with 34 of IPC.

2. The learned counsel for the petitioner submitted that the petitioner was falsely implicated in this case due to village politics. She further submitted that the petitioner is aged about 70 years; therefore, it is a fit case to grant pre arrest bail to the petitioner. *Per contra*, learned Additional Public Prosecutor representing the State submitted that the petitioner is absconding from the date of the incident; therefore, it is not a fit case to grant pre arrest bail to the petitioner.

3. The case of the prosecution is that on 28.11.2016, the petitioner along with others formed into an unlawful assembly armed with deadly weapons and killed two persons by name, Kalli Chinnapa Reddy and Kalli Venkateswara Reddy.

4. The petitioner filed CrI.M.P.No.127 of 2017 on the file of the Court of XIII Additional Sessions Judge, Narasaraopet, under Section 438 of Cr.P.C., and the same was dismissed on 02.2.2017.

5. The learned counsel for the petitioner submitted that there is a delay of nine hours in lodging the complaint. The delay in lodging the complaint by itself is not a valid ground to discard the

prosecution version. The learned counsel for the petitioner further submitted that the Investigating Officer completed the investigation and filed charge sheet; therefore, it is a fit case to grant pre arrest bail to the petitioner. Mere filing of charge sheet by itself is not a valid ground to grant pre arrest bail to the petitioner. A perusal of the record reveals that petitioner's name was mentioned in the complaint at the earliest point of time. The record *prima facie* reveals the presence of the petitioner at the time of the incident and he along with other accused killed two persons.

6. The petitioner filed Criminal Petition No.1313 of 2017 before this Court, under Section 438 of Cr.P.C., and the same was dismissed on 22.2.2017. Again, the petitioner filed Criminal Petition No.2608 of 2017 before this Court and the same was also dismissed on 04.4.2017. There are no major change of the circumstances from the date of dismissal of last bail application i.e., 04.4.2017 till date.

7. Taking into consideration the gravity of the offences alleged to have been committed by the petitioner, this Court is of considered view that it is not a fit case to grant pre arrest bail to the petitioner.

8. Accordingly, the criminal petition is dismissed.

T.SUNIL CHOWDARY, J

September 14, 2017
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