

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITIONs No.8411 and 8428 of 2017

COMMON ORDER:

Criminal petition No.8411 of 2017 is filed by the petitioner-accused No.2 and Criminal Petition No.8428 of 2011 is filed by the petitioner-accused No.1, under Sections 437 and 439 Cr.P.C., seeking bail in Crime No.91 of 2016 on the file of the Station House Officer, Anakapalle Rural Police Station, Visakhapatnam District, registered for the offence punishable under Sections 302 and 392 IPC.

2. The learned counsel for the petitioners submitted that the petitioners are close relatives of the deceased, therefore, there is no chance of committing the alleged offence by the petitioners. He further submitted that for statistical purpose, the police foisted a false case against the petitioners. ***Per contra***, the learned Additional Public Prosecutor representing the State submitted that the investigation is in progress, therefore, it is not a fit case to grant bail to the petitioners.

3. The case of the prosecution is that on 18.07.2016 the petitioners killed one Devudamma (herein after referred to as 'the deceased'). It is the further case of the prosecution that A2 had taken an amount of Rs.1,50,000/- from the deceased, thereafter killed her. Basing on the complaint lodged by the husband of the deceased, the above case was registered. Petitioners/Accused Nos.1 and 2 filed CrI.M.P.No.442 of 2017

on the file of the X Additional District and Sessions Judge, Visakhapatnam at Anakapalle, and the same was dismissed on 01.08.2017.

4. A perusal of the record reveals that A1 is the own brother and A2 is the brother-in-law of the deceased. The case of the prosecution is that A2 developed illicit intimacy with the deceased and had taken an amount of Rs.1,50,000/- from her. A perusal of the record *prima facie* reveals the role played by the petitioners in the commission of offence. A perusal of the record also reveals that the investigation is in progress. As rightly pointed out by the learned Additional Public Prosecutor if the petitioners are released on bail, the possibility of threatening the prosecution witnesses cannot be ruled out completely.

5. Having regard to the facts and circumstances of the case and also the stage of investigation, this Court is of the considered view that it is not a fit case to grant bail to the petitioners.

6. In the result, both the Criminal Petitions are dismissed.

T.SUNIL CHOWDARY, J

15th September, 2017
Rns