

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Criminal Petition Nos.429 & 446 of 2017

COMMON ORDER:

These petitions are filed under Sections 437 and 439 of Criminal Procedure Code to enlarge the petitioners-A.1 to A.3 on bail in Crime No.101 of 2016 of Buttaigudem Police Station, West Godavari District, for the offences punishable under Sections 324, 323, 365, 302 and 201 r/w.34 IPC and 109 IPC and Sections 3 (2) (v) of SCs & STs (POA) Act.

The case of the Prosecution is that on 17.07.2016 the Village Revenue Officer, Jainavarigudem Village, Buttaigudem Mandal, lodged a complaint stating that on coming to know about blood stains in the Reserve Forest at the outskirts of Jainavarigudem (V), Buttaigudem (M) on the eastern side towards Jangareddygudem in the eucalyptus oil trees, he along with the President of Vana Samrakshana Samithi went to the scene and having assumed that human body or body of some animal was buried in the nearby pit, he made a complaint before the Police for further action. Later, the VRO and Police together reached the place and found unknown male body aged about 30 years without head. On the strength of the same, Police registered the case.

During the course of investigation, Police found that these petitioners are the persons, who committed the heinous brutal murder of the deceased by name Pottam Singa Raju, along with other accused.

The main contention of the learned counsel for the petitioners is that the petitioners are in jail since long time and that entire investigation is completed and charge sheet is also filed, which is registered as S.C.No.24 of 2014 on the file of Special Court for Trial of Cases under SCs & STs (POA) Act. Keeping petitioners in prison as under trial prisoners would not serve purpose and requested to enlarge the petitioners from judicial custody.

Public Prosecutor for the State of Andhra Pradesh opposed the petitions raising several contentions and one among them is that the petitioners are notorious criminals involved in several crimes and in case the petitioners are enlarged on bail, there is every possibility of committing similar offences while on bail and prayed to dismiss the petitions.

The petitioners are admittedly in judicial custody since long time and entire investigation is completed and charge sheet is also filed long back. But, the apprehension of the Prosecution that in case the petitioners are enlarged on bail, there is every likelihood of threatening the witnesses and commission of similar offences while on bail cannot be ruled out. As against A.1 nineteen (19) crimes are pending for various offences almost covering major part of offences against human body in IPC. Similarly, against A.2 four (4) crimes are pending for the offences punishable under sections 379, 324 and 384 of IPC. Against A.3 six (06) crimes are pending for various offences under IPC. The petitioners appear to have been habitual offenders. In view of the criminal history of the petitioners, in case they are released on bail, there is every

likelihood of threatening the witnesses and in such a case it is difficult for the witnesses to speak against the petitioners during trial. Further, the apprehension of the Prosecution that possibility of committing identical offences by the petitioners if enlarged on bail also cannot be ruled out because of their criminal background. Therefore, I find no ground to enlarge the petitioners on bail.

Accordingly, both the Criminal Petitions are dismissed. However, the trial Court is directed to expedite the trial and decide the matter as expeditiously as possible in any event not later than six months from the date of receipt of a copy of this order giving preference to this case as a case of 'Under Trial Prisoners'.

M. SATYANARAYANA MURTHY, J

Date: 30.01.2017
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