

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.7181 of 2017

ORDER:

This petition is filed, by the petitioner-accused No.5, under Section 438 Cr.P.C., seeking anticipatory bail in Crime No.159 of 2017 on the file of the Station House Officer, Mahabubnagar (Rural) Police Station, Mahabubnagar District, registered for the offences punishable under Sections 147, 148, 341, 302 and 120B read with 149 I.P.C., and Sections 25 and 27 of the Arms Act.

2. The learned counsel for the petitioner strenuously submitted that the petitioner was falsely implicated in this case. He further submitted that the trial Court granted anticipatory bail to accused No.1. He further submitted that the other accused were released on regular bail; therefore it is a fit case to grant pre-arrest bail to the petitioner.

3. The learned Additional Public Prosecutor filed counter. He submitted that the petitioner is the prime accused in the commission of the offences. He further submitted that the investigation is in progress; therefore it is not a fit case to grant pre-arrest bail to the petitioner.

4. The case of the prosecution is that there are land disputes between accused Nos.1, 2 and the deceased – Sunil. It is the further case of the prosecution that accused Nos.1 and 2 hatched a plan to eliminate the deceased-Sunil and engaged the services of the petitioner and other accused. It is also the case of the prosecution that in pursuance of the plan, the petitioner along with the other accused killed the deceased-Sunil.

5. The petitioner filed CrI.M.P.No.755 of 2017 on the file of the Judge, Family Court-cum-VIII Additional District and Sessions Judge, Mahabubnagar, and the same was dismissed directing the petitioner to surrender before the investigating officer within one week.

6. While deciding the anticipatory bail petitions, the Court has to consider whether there is any *prima facie* material against the petitioner or not. If there is no *prima facie* material, then the Court can grant pre-arrest bail to the petitioner-accused. A perusal of the counter clearly reveals that accused No.1 and the petitioner are close friends. A perusal of the record reveals that the petitioner had taken an amount of Rs.1,00,000/- from accused Nos.1 and 2 and engaged the services of accused Nos.3 and 4 to kill the deceased. A perusal of the record *prima facie* reveals the role played by the petitioner in the commission of the offences. Mere granting of regular bail to other accused that itself is not a valid ground to grant pre-arrest bail to the petitioner without considering the other attending circumstances.

7. Taking into consideration the nature of the offences alleged to have been committed by the petitioner as well as the stage of investigation, this Court is of the 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

Date: 22.09.2017

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