

**THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY**

**CRIMINAL PETITION No.135 OF 2017**

**ORDER:**

This Criminal Petition, under Sections 437 and 439 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed to enlarge the petitioner on bail in Cr.No.356 of 2016 of Subedari Police Station, Warangal District, registered against the petitioner for the offences punishable under Sections 385, 365, 506 of Indian Penal Code, 1860 (for short, 'I.P.C.') and Sections 25 and 27 of the Arms Act, 1959.

The case of the prosecution in brief is that on 28.09.2016 at about 7.25 hours while the *de facto* complainant and his Uncle and Aunt were taking tea, one unknown person came to the house and revealed himself as Ramesh, Maoist Party, and he wants to talk to his Uncle, entered into the house and demanded Rs.75 lakhs towards Party fund, else he would do away them and thereby threatened them at the point of weapon to arrange money within two days. Later, he asked him to leave him at RTC bus stand as such his Uncle asked him to drop on bike at RTC bus stand. While, he was talking to him, he threatened him at the point of weapon and asked him to drop as shown by him and took him to Erragattugutta, where he opened fire one round in air and gave two live rounds to him and asked him to settle the same by his uncle within two days. And after one month i.e. 3.11.2016 at 21.00 hours the complaint was lodged with the police.

The main ground urged before this court, in the petition and during the argument, is that there is abnormal delay in lodging the complaint i.e., almost more than one month and it is a ground to release the petitioner on bail. He also contended that the petitioner was falsely implicated in total four cases of various police stations, as he was police informer, earlier he obtained arms licence for the period from 2001-2011 and never involved in any crime much less offences punishable under Sections 385, 365 and 506 of I.P.C. and Sections 25 and 27 of Arms Act. It is further brought to the notice of this court that the petitioner was released in two other crimes while negating to grant bail in the other crime on 04.01.2017 for similar offences.

Whereas the Public Prosecutor for the State of Telangana contended that the petitioner involved in many cases of similar nature and was collecting huge amount at the point of gun and thereby, in case, the petitioner is enlarged on bail, there is every possibility of committing similar offences and prayed to dismiss the petition.

Admittedly, the petitioner involved in total four crimes of similar nature. But, at this stage, it is difficult to decide whether he was falsely implicated or actually involved and merely because he was enlarged on bail in two other cases, he cannot be released in the present crime. The petitioner is in judicial custody for more than two months and languishing in jail for a longer period is not a ground to grant bail, in view of Judgment of the Apex Court in **CHENNA BOYANNA KRISHNA YADAV v.**

**STATE OF MAHARASHTRA AND ANOTHER<sup>1</sup>.** Therefore it is not a ground to release the petitioner. Moreover delay can be explained during trial and if the prosecution is able to explain during trial, the court may pass appropriate orders. But, at this stage, it is difficult to accept that the delay in lodging the complaint, is a ground to release the petitioner on bail.

Earlier, the petitioner filed bail application before the III Additional sessions Judge, Warangal, in CrI.P.No.1438 of 2016 which ended in dismissal by order dated 09.12.2016 on the ground that the investigation is not completed and that some more witnesses have to be examined, while expressing doubt about possibility of involving in similar circumstances in the event of enlarge on bail.

If the petitioner is enlarged on bail, there is every possibility of interfering with the investigation and committing identical offences. Therefore, I find no ground to enlarge the petitioner, at this stage. Apart from this, there are no changed circumstances after dismissal of earlier application.

In the result, the criminal petition is dismissed.

Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

**M. SATYANARAYANA MURTHY, J**

Date: 06.01.2017  
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<sup>1</sup> 2007 Cri.L.J. 782