

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION Nos.10949, 10965, 10969 AND 10971 OF 2017

COMMON ORDER:

These Criminal Petitions are filed under Section 439 Cr.P.C. for grant of bail to the petitioner-A.1 in S.C. Nos.595 of 2010, 91 of 2010, 73 of 2010 and 90 of 2010 pending on the file of the District and Sessions Judge, Ongole, Prakasam District.

2. Heard Sri Challa Ajay Kumar, learned counsel for the petitioner-A.1, and learned Additional Public Prosecutor appearing for the respondent-State, apart from perusing the material available on record.

3. Learned counsel for the petitioner-A.1 would submit that the petitioner-A.1 has been detained in this case from the year 2008, though charge sheet is filed in the year 2010; the trial has not been completed; the petitioner-A.1 also implicated in other criminal cases; though there is an order of this Court dated 20.06.2017 in CrI.P. Nos.3910, 3911, 3915 and 3920 of 2017 to complete the trial within three months from the date of receipt of copy of the order, the trial was not completed; and ultimately, prayed to allow these bail applications. He has relied on the following decisions:

(1) Dipak Shubhashchandra Mehta v. Central Bureau of Investigation and another¹.

(2) Sundeep Kumar Bafna v. State of Maharashtra and another².

(3) Tarun Tejpal v. State of Goa³.

4. Learned Additional Public Prosecutor opposed the grant of bail to the petitioner stating that the petitioner-A.1 involved in eight criminal

¹ (2012) 4 SCC 134

² (2014) 16 SCC 623

³ (2015) 14 SCC 481

cases; he is a high way killer and dacoit; the allegations are grave against the petitioner-A.1; and ultimately, prayed to dismiss the bail applications.

5. As per the material placed on record, the petitioner-A.1 involved in several criminal cases as detailed below:

S.No.	Crime/ PRC/SC	FIR date	Police Station	Offences	Status of accused in this case	Status of bail	Charge sheet	Case status
1.	356/08 in SC 595/2010	17.10.2008	Taluka P.S., Ongole	120-B, 396, 400, 402, 412, 414 and 201 IPC and Section 25(1)(A) of the Indian Arms Act	A-1	Granted on 07.03.2010 in 1821/2010	Filed	In trial
2.	140/08 in SC 91/2010	17.10.2008	Maddipadu P.S., Prakasam District	120-B, 396, 400, 402, 412, 414 and 201 IPC	A-1	12.01.2010 in 44/2010	Filed	In trial
3.	142/08 in SC 90/2010	17.11.2008	Maddipadu, P.S., Prakasam District	Sec.25(2) of the Indian Arms Act	A-1	Granted	Filed	In trial
4.	150/08 in SC 73/2010	14.11.2008	Singaraykonda P.S., Prakasam District	120-B, 396, 400, 402, 412, 414 and 201 IPC	A-1	Granted	Filed	In trial
5.	141/08	17.11.2008	Maddipadu P.S., Prakasam District	379, 302, 201, 120(b), 411 r/w 34 IPC	A-1	Granted. Spl. Mobile Court, Ongole	Still not filed	
6.	28/14	19.01.2014	Taluka P.S., Ongole.	120-B, 396, 420, 365, 307, 109 IPC and Section 25(1)(A) of the Arms Act	A-1	Granted in 90 days. III M.M. Court, Ongole	Still not filed	
7.	77/14	13.02.2014	Taluka P.S., Ongole	120(B), 420 IPC and Secs.25(1)(a), 25(1-AA) and 27(1-A) of the Arms Act.	A-1	Granted in 90 days III M.M. Court, Ongole	Still not filed	
8.	830/15		II Town P.S., Kurnool	420, 120(b) IPC	A-1	Granted in 90 days	Filed	near about judgme nt

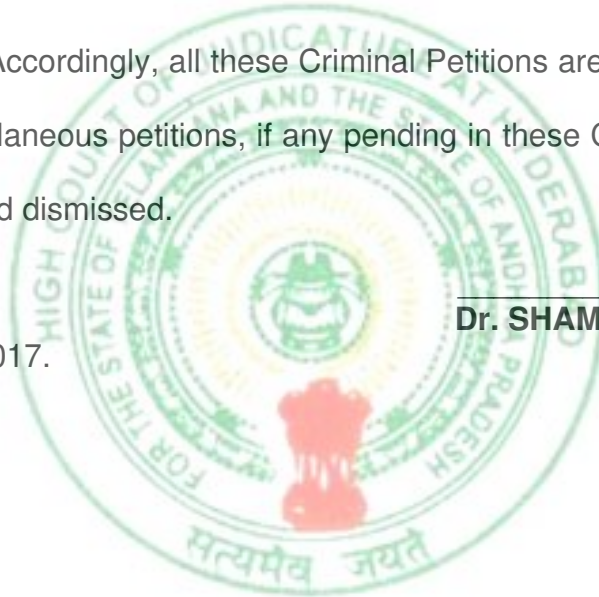
6. The allegations are grave and very serious in nature. Earlier bail applications of this petitioner-A.1 are dismissed by this Court as well as the Court of Sessions assigning number of reasons. Merely because the trial is not completed, as directed by this Court by order dated 20.06.2017 in Criminal Petition Nos.3910, 3911, 3915 and 3920 of 2017, it

cannot be a ground to allow these applications. As per the record, the witnesses hail from different places. There are other accused along with this petitioner. The allegations and offences are grave in nature. For some of the offences, the punishment is imprisonment of life or death. The facts and circumstances of the instant cases and the facts and circumstances of the decisions relied on by the learned counsel for the petitioner are distinct. In the event of granting bail, there is likelihood of absconding, threatening the witnesses and further delaying the trial of the case. Further, it is unsafe to allow his bail applications. Viewing from any angle, it is not a fit case to allow the applications.

7. Accordingly, all these Criminal Petitions are dismissed. As a sequel, miscellaneous petitions, if any pending in these Criminal Petitions, shall also stand dismissed.

Date: 27-11-2017.
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Dr. SHAMEEM AKTHER, J



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4



Crl.P. Nos. 10949, 10965, 10969 AND 10971 OF 2017

Date. 27-11-2017

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