

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION Nos.11124, 11128 AND 11131 OF 2017

COMMON ORDER:

These Criminal Petitions, under Section 439 of Cr.P.C., are separately filed by the petitioners/A.4, A.2 and A.3, seeking regular bail in connection with S.C. No.110 of 2016, pending on the file of IX Additional Sessions Judge, Chittoor in Crime No.130 of 2005 of Chittoor I Town Police Station, for the offences under Sections 147, 148, 302, 307, 326, 120-B, 109 R/w.149, 212, 216, 201 I.P.C. and Sections 25(1A), 25(1AAA), 25(1B)(a), 25(1B)(c), 27(3) and Section 30 of the Arms Act, 1959.

Heard the learned counsel for the petitioners/A.2 to A.4, learned Public Prosecutor appearing for the respondent-State, and perused the record.

Learned counsel for the petitioners would submit that the petitioners are innocent persons, falsely implicated in this case at the instance of the family members of the deceased viz., Katari Anuradha and Katari Mohan, and on 25.11.2015, they were remanded to judicial custody. The crime is registered with a delay of 8 hours; there is no explanation for the said delay. The F.I.R. was brought into existence after due deliberations and consultations. The petitioners/A.2 to A.4 took asylum in Chittoor Police Station after the alleged incident, apprehending attack by the followers of the deceased, which is borne by the mahazar dated 24.11.2015. The petitioners are in Police custody from 17.11.2015 but they were shown to have been arrested on 24.11.2015. There is no reason for the Police to show their arrest on 24.11.2015, as they have been in their illegal custody from 17.11.2015. The material witnesses were examined under Section 164 Cr.P.C.; charge sheet has already been filed,

registered as P.R.C. and the same was committed to the Court of Sessions. Except the petitioners/A.2 to A.4 and A.6, the remaining accused were granted bail in this case. The deceased Katari Mohan was having many enemies and many criminal cases were pending against him, including the offence under Section 302 I.P.C. The petitioners are ready to abide by any conditions and ultimately prayed to allow these Petitions.

Learned Public Prosecutor appearing for the respondent-State opposed grant of bail to the petitioners.

The material on record reveals that on 17.11.2015 at 11:45 a.m. while Smt.Katari Anuradha, the Mayor of Chittoor Municipal Corporation and her husband Katari Mohan were in the Chambers of Mayor, Chittoor Municipal Corporation, talking with Deputy Mayor and others, A.1 to A.4 along with some other accused entered into the Chambers of Mayor; two of which were wearing burqas, one removed burqa and attempted to shoot at Mayor Anuradha and K.Anuradha uttered '*Chintu do not shoot at me*'; thereafter, A.1 shot at her with a pistol; A.3 hacked Katari Mohan with a sickle on his neck; when Satish Kumar tried to rescue Katari Mohan, A.4 hacked the Satish Kumar on his back with a knife; in that scuffle burqua of 2nd person fell down and the said person was identified as A.2. The petitioner A.2 alleged to have shot Katari Mohan with a pistol, Katari Mohan ran into conference hall, there A.2 attacked Katari Mohan indiscriminately, which was witnessed by Murali, Chinna, Kishore, Vijay Kumar and others; the petitioners also attacked and caused the death of Katari Anuradha. Subsequently, K.Anuradha and K.Mohan and Satish Kumar (*de facto* complainant) were taken to the Government Hospital, Chittoor and Anuradha was declared as brought dead; K.Mohan and Satish Kumar were shifted to C.M.C. Vellore, for better treatment. While undergoing treatment, Mohan succumbed to the injuries on the same day.

Thereafter, on the statement of Satish Kumar, injured, a case is registered against the petitioners and others for the aforesaid offences. Charge sheet is filed against the petitioners herein and other accused and the case is committed to the Court of Sessions by the learned Magistrate and the same is pending trial before the IX Additional District and Sessions Judge, Chittoor.

One of the submission urged before this Court by the learned counsel for the petitioners is that the petitioners herein surrendered before the Police on 17.11.2015 apprehending threat from the followers of deceased persons, as they have acquaintance with A.1, but the Police have shown their arrest on 24.11.2015 which is illegal and finally submitted that the petitioners/A.2 to A.4 are not responsible for the alleged offences.

The learned Public Prosecutor appearing for the respondent-State has brought to the notice of the Court the regulations governing the surveillance of suspects under law and contended that A.6 has also taken similar plea and the same was carried up to the Hon'ble Supreme Court, no infirmity was found in such surveillance and showing the date of arrest as 24.11.2015 and hence, the action of the Police cannot be faulted.

It is also contended that the First Information Report was lodged with a delay of 8 hours. It is evident from the material placed on record that the instant case is registered on the statement of one Satish Kumar, who is said to have suffered injuries in the alleged incident. There is also record to show that immediately after occurrence of the accident, Satish Kumar was firstly taken to Government Hospital, Chittoor as his condition was serious; thereafter, he was shifted to C.M.C. Vellore. Under these circumstances, it is not expected from Satish Kumar, who has suffered

injuries, firstly to prepare a report and register the crime with the Police and then go to the Hospital for treatment. Under these circumstances, the priority of any injured person would be to obtain the required treatment and then lodge a complaint with the Police. The delay of 8 hours occurred in that process, cannot be said to be enormous delay and resulted in falsification of the First Information Report. There are direct witnesses to the alleged offences; there are double murders *i.e.*, of the Mayor and her husband due to political rivalry and for other monetary benefits. The petitioners/A.2 to A.4 are the influential persons; there is possibility of their threatening the witnesses and winning over them. It is also brought to the notice of the Court that the earlier bail applications filed by the petitioners herein were dismissed by the Court of Sessions by assigning adequate reasons. Viewing from any angle, the petitioners/A.2 to A.4 are not entitled for bail, pending trial; therefore, these Criminal Petitions are liable to be dismissed.

In the result, all these Criminal Petitions are dismissed.

Dr. SHAMEEM AKTHER, J

Date: 07.12.2017.
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