

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11329 OF 2017

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner-A.1 in Sessions Case No.453 of 1993 on the file of the III Additional Sessions Judge, Karimnagar, relating to Crime No.111 of 1986 of Husnabad Police Station, registered for the offences under Sections 148, 452, 307, 324, 506 r/w 149 I.P.C., Section 25(1)(A) of the Indian Arms Act and Sections 3 and 6 of the TADA Act.

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

3. The learned counsel for the petitioner-A.1 would submit that the petitioner-A.1 is innocent person, he is falsely implicated in this case; he is very much present in Mahmadapur village, Husnabad Mandal, however, he was shown as absconding; he is not aware of the accusations in this case; a false case is foisted against the petitioner-A.1 stating that he belongs to extremist group; this case is registered on the basis of the omnibus allegations; the petitioner-A.1 is noway responsible for the aforesaid offences; and ultimately, prayed to allow the bail application.

4. On the other hand, learned Additional Public Prosecutor appearing for the respondent-State opposed the grant of bail to the petitioner-A.1 under Section 438 Cr.P.C.

5. The material available on record reveals that the petitioner-A.1 along with two other accused, who belong to CPIML (PW Group)

committed the offences punishable under Sections 148, 452, 307, 324, 506 r/w 149 I.P.C., Section 25(1)(A) of the Indian Arms Act and Sections 3 and 6 of the TADA Act. The allegation is that on 09.12.1986 around 9-00 p.m., the petitioner-A.1 along with other accused trespassed into the house of the *de facto* complainant, armed with fire arms, i.e., Tapancha and threatened the *de facto* complainant at gunpoint for taking interest in producing the witnesses in the Court in the murder case of Pittala Venkati. The petitioner-A.1 and other accused have also beat the *de facto* complainant and his father with butt of Tapanchas. When the villagers chased them, the accused fired two rounds with 12 bore Tapancha in the air to scare the villagers and ran into the darkness. While leaving the scene, the accused have threatened the *de facto* complainant and his father to kill them. When there are specific and grave allegations against the petitioner-A.1, it cannot be said that he is not aware of the criminal proceedings in this case and he is falsely implicated. The subject crime relates to the year 1986. The trial has not yet commenced in this case. It cannot be said that the petitioner-A.1 is very much available in the village. Therefore, the petitioner-A.1 is not entitled to bail under Section 438 Cr.P.C. and the petition is devoid of merits and it is liable to be dismissed.

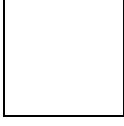
6. In the result, this Criminal Petition is dismissed. However, the petitioner-A.1 shall surrender in Sessions Case No.453 of 1993 on the file of the III Additional Sessions Judge, Karimnagar, within a period of 15 days from today and move bail application. On such surrender, the learned Sessions Judge may consider the application of the petitioner-A.1 expeditiously.

Dr. SHAMEEM AKTHER, J

Date: 21-12-2017.

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HON'BLE Dr. JUSTICE SHAMEEM AKTHER



Crl.P. No. 11329 OF 2017

Date: 21-12-2017

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