

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.12298 of 2017

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused No.24, for grant of anticipatory bail in the event of his arrest in Crime No.443 of 2017 on the file of the Tirupati East Police Station, Tirupati Urban District, registered for the offences punishable under Sections 147, 148, 302, 506 read with 149 of I.P.C.

2. Heard the learned counsel for the petitioner/accused No.24, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The specific allegation against the petitioner/accused No.24 is that he is one of the drivers working in Tirupati. On 14.10.2017, there was a dispute between the deceased P.Mohan and the other drivers of Tirupati with regard to the parking of two Commando jeeps belonging to the deceased P.Mohan. There was galata, exchange of words. One person by name Jolly, who accompanied the deceased P.Mohan, said to have abused the drivers and threatened them. In that process, the deceased was beaten by some of the drivers and one of the drivers stabbed the deceased with a knife. Thereafter, the deceased P.Mohan succumbed to the injuries on 14.10.2017.

4. As per the prosecution case, the petitioner/accused No.24 is a member of unlawful assembly. The petitioner/accused No.24, being a member of unlawful assembly, is also responsible for the acts committed by the other members of the unlawful assembly.

Therefore, it is not appropriate to allow this application filed under Section 438 of Cr.P.C.

5. However, having regard to the allegations levelled against the petitioner/accused No.24, the petitioner/accused No.24 is directed to surrender before the learned Magistrate concerned and move an application seeking regular bail. In such an event, his bail application be considered on merits.

6. With the above observation, this Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

19th December, 2017
Bvv



Dr. SHAMEEM AKTHER, J