

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**CRIMINAL PETITION No.11555 of 2017****ORDER:**

This Criminal Petition, under Section 438 Cr.P.C., is filed to enlarge the petitioner/A.18 on pre-arrest bail in the event of his arrest in connection with Crime No.639 of 2016 of Vanasthalipuram Police Station, Cyberabad, Ranga Reddy District, registered for the offences under Sections 120-B, 384 IPC and Sections 25 (1-B), (a), 27 of Arms Act.

The petitioner is Accused No.18. On 08.08.2016, the inspector of Police, Vanasthalipuram Police Station, received credible information at 1.00 pm about unlawful activities in Injapur Village. As there was no time to obtain search warrant from the Court, he secured two mediators along with his staff and raided a house in Plot No.49, Bhavani Enclave, Injapur Village and noticed that the house with single floor was locked. Thereafter, the inspector of police broke open the locks and found a motor cycle in a room, some copies of the documents, cash in bedroom and 3 pistols with 22 live rounds in an almarah and seized the same. On enquiry, he came to know that one Sridhar Goud(A3) is residing in the house along with his family and at odd hours, number of persons visited the house and illegal activities were going on. Thereafter, the inspector returned to police station and lodged a written report with SHO, Vanasthalipuram, which was registered as a case in Crime No.639 of 2016 for the offence under Section 25(1-B) of Arms Act describing said Sridhar Goud as one of the accused and during the course of investigation, the police found that the accused also involved in severe crimes punishable under Sections 120-B, 384 and Section 27 of Arms Act.

The case of the petitioner is that he allegedly involved only in Section 384 of IPC and he did not involve in any other offences and he is very much available in Hyderabad and the police did not take steps to effect his arrest in connection with the present crime and in the absence of *prima facie* material against this petitioner, he shall be enlarged on pre-arrest bail to protect his liberty and prayed to enlarge him on pre-arrest bail.

Learned Public Prosecutor for the State of Telangana opposed the petition on the ground that he was absconding since long time and when the petitioner was absconding, he is disentitled to seek pre-arrest bail and requested this Court to dismiss the petition.

Undisputedly, the petitioner was arrayed as Accused No.18, whose name is described as Shooter Riyaz, native of Nalgonda, resident of Hyderabad. Describe him as shooter itself indicates that he is specialist in shooting and indulging in various crimes. The petitioner allegedly involved in serious crimes punishable under Sections 120(B), 384 IPC and Sections 25(1-B) 9a) and 27 Arms Act. The material on record discloses that he *prima facie* involved in the crime and the District Court also dismissed his bail petition based on the material available on record.

As per the remand report, it is clear that the petitioner was absconding and in the confessional statement of one of the accused, it is clear that he has seen many times Sheshanna @ Ganesh, Shooter Riyaz, Pasham Sreenu, Ayyappa @ Sreehari were also participated along with Nayeem in illegal settlement discussions. After two days, Tech Madhu @ Ashok contractor came to meet Nayeem where he heard that Tech Madhu @ Ashok contractor murdered one driver at Chattishgarh. After two days, they started to Hyderabad, and on the

way near at Sukham, in the early hours, their vehicle turtled due to tyre puncture, for which, he along with Nayeem sustained minor injuries.

In view of the specific allegations made in the confessional panchanama, it is evident that this petitioner also participated in illegal settlements with Nayeem, who was killed in the encounter allegedly. Therefore, when the petitioner took part in serious offences and absconding disabling the police to file charge sheet before the Court, I am not inclined to enlarge the petitioner granting pre-arrest bail since granting of pre-arrest bail is the discretion of the Court and when this Court satisfied *prima facie* that the material against this petitioner constitute an offence, I find that it is not a fit case to grant pre-arrest bail to the petitioner as there is possibility of committing similar offences cannot be ruled out, in case he is enlarged on pre-arrest bail. Consequently, this Criminal Petition is liable to be dismissed.

Accordingly, this Criminal Petition is dismissed. However, the petitioner is at liberty to surrender himself before the concerned Court as per the procedure if advised.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 11.12.2017
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HONOURABLE SRI JUSTICE M. SATYANARAYANA MURTHY



Crl.P. No.11555 of 2017

Dt. 11.12.2017

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