

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

TUESDAY THE TWENTY SIXTH DAY DECEMBER
TWO THOUSAND AND SEVENTEEN

PRESENT

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION NO. 12559 OF 2017

AND

CRIMINAL PETITION No. 12428 OF 2017

Between: **Crl.Petition No. 12559 of 2017**

Nayudu Gajanand

@ Gajender @ Gajju & Ors.

V/s.

... Petitioners/A3 to A7

The State of Andhra Pradesh

Represented by the Public Prosecutor

High Court of Judicature for the State of

Telangana & Andhra Pradesh,

Through Station House Officer,

Tamsi Police Station,

Adilabad district

... Respondent/complainant

Counsel for the Petitioners :

Sri S. Surender Reddy

Counsel for the Respondent :

Public Prosecutor [TG]

Between:

Crl.Petition No. 12428 of 2017

Jadav Ramakrishna

... Petitioner/A-8

V/s.

The State of Andhra Pradesh

Represented by the Public Prosecutor

High Court of Judicature for the State of

Telangana & Andhra Pradesh,

Through Station House Officer,

Tamsi Police Station,

Adilabad district

... Respondent/complainant

Counsel for the Petitioner :

Sri Sontake Abhilash

Counsel for the Respondent :

Public Prosecutor [TG]

The court made the following:

[common order follows]

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION NO. 12559 OF 2017
AND
CRIMINAL PETITION No. 12428 OF 2017

COMMON ORDER :

Criminal Petition No. 12559 of 2017 is filed by A-3 to A-7 under section 437 and 439 of Cr.P.C., seeking to enlarge them on bail in Crime No. 42 of 2017 of Thamsi Police Station, Adilabad district, registered for the offences punishable under section 120-B, 302 read with section 34 of IPC.

2. Criminal Petition No. 12428 of 2017 is filed by the petitioner/A-8 under section 438 of Cr.P.C., seeking to enlarge him on bail in the event of his arrest in Crime No. 42 of 2017 of Thamsi Police Station, Adilabad district, registered for the offences punishable under section 120-B, 302 read with section 34 of IPC.

3. Heard the learned counsel for the petitioners/A-3 to A-7 and A-8 and the learned Public Prosecutor for the respondent/State.

4. As per the case of the prosecution, A-2 approached A-3, who is a friend of A-2, A-1 and A-2 are the brother and son-in-law of the

deceased respectively. A-3 promised to kill the deceased with the help of his friends and as such he performed the act for his friend. The confessional statement of A-3 reveals that specific role of each of the accused, who are the petitioners herein. Hence, the contention of the petitioners counsel that there are no allegations with regard to who beat the deceased with which weapon and on which part and that there are no specific overt acts against the petitioners/A3 to A-7 and A-8, cannot be appreciated. In a case of this nature, there would not be any direct evidence with regard to the overt acts of the petitioners/A3 to A7 and A-8, except the confessional statement of the co-accused. Based on the confession. Evidence could be gathered, which has to be appreciated at the trial.

5. A perusal of the remand report shows that *prima-facie*, guilt of the petitioners/A-3 to A-7 and other accused is evident. Hence, in the above circumstances, this Court finds that the petitioners/A3 to A-7 are not entitled for regular bail in Criminal Petition No.12559 of 2017 and the petitioner/A-8 is also not entitled for anticipatory bail in Criminal

Petition No. 12428 of 2017, more so, since he is evading arrest by the concerned police. Hence, the nature of offence does not entitle the petitioners/A3 to A-7 for grant of regular bail and A-8 for anticipatory.

In view of the above, both the Criminal Petitions are accordingly dismissed.

6. As a sequel, miscellaneous petitions if any, pending in this Criminal Petition shall stand closed.



JUSTICE T. RAJANI.

26/12/2017
I s L

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION NO. 12559 OF 2017

AND

CRIMINAL PETITION NO. 12428 OF 2017

(COMMON ORDER)

[ANTICIPATORY BAIL PETITIONS DISMISSED]



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