

SMT. JUSTICE T.RAJANI

CRIMINAL PETITION No. 2508 OF 2018

ORDER:

This petition is filed, under Sections 437 and 439 of the Criminal Procedure Code, 1973, seeking for grant of bail to the petitioner-accused No. 1 in Crime No. 357 of 2017 of III Town Police Station, Visakhapatnam City, registered for the offences punishable under Sections 120 (B), 302, 397, 398, 449, 341, 352 and 307 read with Section 34 IPC.

2. Heard learned counsel for the petitioner and learned Public Prosecutor (A.P.).

3. Learned Public Prosecutor brings to the notice of this Court that the earlier bail petition was dismissed by this Court on merits by virtue of order dated 18-01-2018 in Criminal Petition No. 24557 of 2017. A perusal of the order shows that it was dismissed by considering that the petitioner was the person who coordinated all the things for commission of the crime. Hence, in the above circumstances, learned Public Prosecutor submits that if the petitioner is enlarged, there is every likelihood of his coming in the way of apprehension of accused Nos. 8 to 12, who are still absconding. Learned counsel for the petitioner on the other hand submits that there is no prospect of the case being committed in the near future, in spite of the fact that the petitioner has been in jail since 02-08-2017. Learned counsel for the petitioner submits that since the other accused are not apprehended, the case is held up at the stage of P.R.C. But this Court does not see any reason in holding up the committal in

respect of the other accused. Case against accused Nos. 8 to 12 can be split up.

4. In the light of the above, the learned IV Additional Chief Metropolitan Magistrate, Visakhapatnam, is directed to split up P.R.C.No. 29 of 2017 pending on its file against the accused who were apprehended and to commit the same within 15 days from the date of receipt of a copy of this order and report compliance.

5. Subject to the above, the criminal petition is dismissed. Pending miscellaneous petitions if any shall stand dismissed in consequence.

12-03-2018.
JSK



T. RAJANI, J