

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.5478 of 2018

ORDER :

This criminal petition filed under Section 438 Cr.P.C. by the petitioner/A.10 in Crime No.665 of 2017 of Machavarm Police Station, Vijayawada City, dated 16.12.2017, registered for the offences punishable under Sections 302 and 120(b) read with 34 or 149 IPC, as the case may be.

2. Heard learned counsel for the petitioner and learned Public Prosecutor, representing the State, and perused the material on record.

3. There are ten accused in all. The petitioner is the 10th accused and he sought for anticipatory bail in the crime supra. A perusal of the copy of the charge sheet stated filed by the police after investigation on 13.03.2018 shows the petitioner is in abscondance. Page 3 of the charge sheet at para 2 mentions that as part of the conspiracy and hatched a plan among the accused persons to eliminate the deceased by using A.1 to A.7, the petitioner/A.10 used to inform the moments of the deceased to A.1. Earlier this Court dismissed the anticipatory bail application in CrI.P.No.2925 of 2018, by order, dated 22.03.2018, under para 4 middle, it is clearly observed with reference to the case diary as on that date submitted for reference that petitioner/A.10 and A.1 prepared a sketch to do away the life of the husband of the *de facto* complainant, by name Kalidasu Subramanyam @ Subbu and even earlier made to unsuccessful attempts at Tenali and

that is the disclosure statement of A.1 regarding the role of the petitioner/A.10, though as per para 5 of the order, name of A.10 is not there in the F.I.R. It is observed by referring to the expression of the Apex Court in **Sidharam Satlingappa Mhetre v. State of Maharashtra and others**¹ of the power to grant anticipatory bail among the ten guidelines laid down therein referring to the earlier constitution bench in **Gurbaksh Singh Sibbia Etc v. State of Punjab**² are that the power to be exercised sparingly and only in exceptional circumstances. A perusal of the final report shows efforts are making to trace the petitioner/A.10 to get good information from him regarding his complicity apart from what is disclosed by A.1 supra among other accused.

4. Having regard to the above, this is not a fit case to grant anticipatory bail as rightly concluded by the learned Judge of this Court earlier in Crl.P.No.2925 of 2018, dated 22.03.2018, supra even after filing of the final report.

5. Accordingly, the criminal petition is dismissed.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

12th June 2018.

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¹ AIR 2011 SC 312

² AIR 1980 SC 1632