

HON' BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION Nos.5628, 5632 & 6177 of 2018

COMMON ORDER :

All the petitioners herein are A4 to A9 in Crime No.665 of 2017 on the file of the Station House Officer, Machavaram Police Station, Vijayawada, Krishna District. The crime registered is for the offences punishable under Section 302 r/ w 34 IPC.

2. The Police filed the charge sheet and the same was returned for FSL report referred not enclosed as can be seen from the information of the Committal Magistrate-cum-I Additional Chief Metropolitan Magistrate, Vijayawada, when called for submitted to this Court, and thereby any of the contentions by any of the accused who are in judicial custody since 14.12.2017 of entitlement to the default bail for non-filing of the full-fledged charge sheet under Section 173 (2) to (5) Cr.P.C. is of no avail for not a case of incomplete charge sheet without material documents from the FSL report, final opinion to be given by the Chemical Examiner and the entire investigation is otherwise shown completed.

3. Heard learned counsel for the petitioners and the learned Public Prosecutor representing the State of Andhra Pradesh.

4. Coming to the specific contentions of A4 and A8 concerned, it is the submission of the learned counsel for the petitioners beside general contentions raised in the bail applications of false implication and not at all involved who are innocent and bread winners to their family and are in incarceration in judicial custody since long time by languishing in jail and there are no grounds to refuse the bail as an exception to the general rule of granting, particularly in their favour, the mere fact that there are no previous cases itself may not be sufficient, when the prosecution material shows the brutal killing of the deceased with all inside injuries of more than thirty on the person indiscriminately and brutally the guilt with accusation of their privy and participation in its commission. Thereby, the possession of A9 is not even in better footing including from the say of not involved in any crime, when the prosecution material shows while he was in jail, A1 to A3 consulted in perpetration of the crime and particularly the brain behind to A1 and A2 is A10 in abscondence.

5. Having regard to the above, these Criminal Petitions are dismissed in the larger interest of society by even considering the personal liberty of A4 to A9-petitioners herein.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

26.06.2018
MVA

