

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION Nos.6263, 6269 and 6271 of 2018

COMMON ORDER:

The petitioner is A15 in S.C.No.595 of 2010 on the file of the learned I Additional District and Sessions Judge and A13 in S.C.No.73 of 2010 which is also on the file of the self same court and A5 in S.C.No.82 of 2011, which is also on the file of the self same court. He is seeking regular bail in all the three cases.

2. A perusal of the respective averments show that the offences in which he is involved respectively are under Sections 120-B, 396, 400, 402, 412, 414, 201 and 302 IPC and Section 25(1)(a) of the Indian Arms Act. According to him, he was enlarged on bail earlier in Crl.P.No.8176 of 2013 in one of the cases and on P.T.Warrant he was produced in other cases and he approached this court in Crl.P.No.10972 of 2015 that was dismissed on 30.10.2015 and again he filed in this court Crl.P.No.1838 of 2016 and batch, same were also dismissed on 09.03.2016 with a direction to the trial court to complete the trial as expeditiously as possible preferably within six months and even now the trial is not completed and he is languishing in jail and thereby, he may be considered to be enlarged on bail and undertakes to obey such of the conditions being imposed.

3. Learned Public Prosecutor submitted the CD File with facts in the form of grounds to oppose the bail saying he is involved in as many as eleven cases, which are of serious nature and a hard core and all the cases are almost heinous crimes of private

dacoits or coupled with murder of lorry drivers and cleaners and burial of dead bodies to screen the evidence and his previous bail applications were dismissed including by this court right from 2011 covered by CrI.P.Nos.9087, 9131, 9137 and 13240 of 2011, 6609 of 2012, 8174, 8176 of 2013, 6876, 6877, 6878 of 2014, 1423, 1424 and 85 of 2014, 10972, 10973 and 10976 of 2015, 102, 103, 104 of 2016, 6169 and 6172 of 2017 and he does not deserve the concession of bail and the trial of the cases are almost at fag end and sought for dismissal.

4. Undisputedly, from a perusal of at least some of the dismissal orders as also averred in the respective bail applications with a direction to conclude the trial particularly from the order of March, 2016 within six months, it is not completed is the core of the contention of the counsel for the petitioner in seeking bail of the respective crimes of 2008, 2009.

5. Report is called for by this court in all the three matters. So far as S.C.No.73 of 2010, covered by CrI.P.No.6269 of 2018, supra, it is the submission of the learned Sessions Judge that PWs.1 to 55 already examined, Exs.P1 to P132 and MOs.1 to 21 already marked and there are two remaining witnesses LWs.73 and 74 and it was already posted for their evidence to conclude the prosecution evidence by 10.07.2018. So far as S.C.No.595 of 2010 concerned, covered by CrI.P.No.6263 of 2018 concerned, the report shows PWs.1 to 53 were examined Exs.P1 to P17 marked so also MOs.1 to 60 and it is only coming for the evidence of PW53-Investigating Officer for further examination

to be completed by 10.07.2018. So far as CrI.P.No.6271 of 2018 in S.C.No.82 of 2011 concerned, the learned Sessions Judge mentioned that in S.C.No.595 of 2010 case against A5, A156 and A17 was separate that was renumbered as S.C.No.82 of 2011 and A15 produced on P.T.Warrant and case against A4, A16, and A17 split up from 82 of 2011 to S.C.No.273 of 2014 and S.C.No.82 of 2011 of A15 merged with S.C.No.595 of 2010 thereby in conducting the trial in S.C.No.595 of 2010.

6. The report also speaks the Sessions Case Nos.90 and 91 of 2010 also trial in progress and almost fag end as so far as S.C.No.90 of 2010 concerned, prosecution evidence closed and accused examined under Section 313 Cr.P.C. by 10.07.2018 and S.C.No.91 of 2010 concerned P.Ws.1 to 44 examined, Exs.P1 to P109 and MOs. 1 to 21 marked and summons were issued to the Investigating Officer-LW53 that was going to be examined on 10.07.2018.

7. Having regard to the above, though it is the duty of the court to balance the propensity of the crime with personal liberty, as all the cases are at fag end and earlier, according to him, the bail conditions not complied, what he claims is he could not attend as he was produced on P.T.Warrant in other cases for his no fault leave it as it is, if he is granted bail and jumps the bail, the trial at fag end will be hampered, particularly, when reached the examination under Section 313 Cr.P.C. and defence evidence also.

8. Having regard to the above, while dismissing the bail applications, the learned trial judge is required to post the cases in the alternative days and submit weekly progress of the investigation till disposal of the cases.

Accordingly, the Criminal Petitions are dismissed. As a sequel, the miscellaneous applications pending, if any, shall stand closed.

JUSTICE Dr. B. SIVA SANKARA RAO

July 16, 2018
LMV

