

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7595 of 2018

ORDER :

This criminal petition filed under Section 438 Cr.P.C. by the petitioner/A.13 in Crime No.153 of 2017 of Vikarabad Police Station, Vikarabad District, registered for the offences under Sections 147, 148, 341, 302, 120(B) and 212 read with 149 IPC, of the occurrence, dated 05.07.2017 with report of even date.

2. The contention of the learned counsel for the petitioner is that the petitioner did not involve, it is a false accusation, particularly from the so-called confession of A.8, which is with no basis to implicate him apart from the same to police inadmissible and A.1 to A.4 and A.7 to A.10 were arrested and later enlarged on regular bail so also A.5, A.11, A.12, and A.14 obtained anticipatory bail and he is the only person among fourteen accused remained in seeking the anticipatory bail.

3. The learned Additional Public Prosecutor opposed the bail application saying the petitioner/A.13 is privy to the criminal conspiracy even prior to the elimination of the deceased, which is a brutal murder, and not entitled to the concession of anticipatory bail.

4. Heard learned counsel for the petitioner and learned Additional Public Prosecutor representing the State and perused the First Information Report, bail application averments, remand report, dated 13.07.2017, and earlier bail application dismissal order of this Court

in Crl.P.No.10813 of 2017, dated 15.11.2017, and of the Court of Sessions in Crl.M.P.No.318 of 2017, dated 26.10.2017, and anticipatory bail granted by another Bench of this Court to A.14 in Crl.P.No.6216 of 2017, dated 11.09.2017.

5. The anticipatory bail granted to A.14 is on the ground that he is not privy to any of the occurrence and post-occurrence given shelter to some of the accused is only the allegation against him and so far as the petitioner/A.13 concerned, it is not such a case, much less in any comparison with the petitioner/A.13 as observed by another Bench of this Court in dismissing the anticipatory bail in Crl.P.No.10813 of 2017 referred supra, also with observation of investigation in progress and there is a possibility of maneuver the witnesses. Now coming to the consideration, there is from the remand report referred supra, specific allegation from Page 9, that the accused all conspired together particularly A.4 to A.13 in consulting A.1 to A.3 at the house of A.1 at Saketh Nagar in their plan to eliminate the deceased and their meeting was in June 2017 itself, which is prior to 12.06.2017, and it is pursuant to the previous action started to implement the notorious plan and they also met at Chevella at the post-occurrence. Once such is the case, of the petitioner is also party to the notorious plan before the occurrence, this is not a fit case for anticipatory bail even other accused were granted bail, but for if at all to invoke the remedy of regular bail to decide on own merits.

6. Accordingly, the criminal petition is dismissed.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

9th August 2018.

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