

HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO**CRIMINAL PETITION No.9437 of 2018****ORDER :**

The petitioner is the accused No.6 among 23 accused of Crime No. 130/2015 of I Town Police Station, Chittoor District, registered for the offence punishable under Sections 147, 148, 302, 307, 120-B, 109 r/w 149, Section 212, 216, and 201 IPC and Section 25 (IA), Section 25(IAAA), Section 25 (1B) (a), 25 (1B)(c), Section 27 (3) and Section 30 of Indian Arms Act 1959.

2. The factual matrix as to the petitioner is the privy along with other accused, particularly accused Nos.1 to 5, in commission of the crime, no where requires any discussion as series of orders speak in dismissal of the bail, pending investigation and also at the post charge sheet and cognizance stage. The petitioner is no doubt in judicial custody since 29.11.2015. This Court is conscious of the fact that refusal of bail shall not be as a measure of punishment, much less pre-judging and as a duty to balance the personal liberty with propensity of crime and also of the fact that there is no any past criminal record so far as the petitioner /accused No.6 is concerned in involvement of any grave crime but for his role and the propensity of the crime and import on society. All through for the past three years he was not granted the concession of regular bail but for an interim bail either for attending his health condition or particularly of his paralytic wife. In this case the Session case No. 110 of 2016 is pending for the past two years and charges also framed by the learned IX Additional Sessions Judge, Chittoor on 19.07.2018 and out of the 14 charges, the petitioner is mainly concerned with the charge No.1 of criminal conspiracy in commission of the double murder of D1 and D2 in

privy with A.2 to A.6 and A.8 to A.12 leave about the role of other accused of whom A.22 already not charged for any of the offences. As the case is ripped for trial and as per the mandate of Section 309 Cr.P.C., it is the duty of the learned Sessions Judge to conduct trial day to day and the learned Public Prosecutor mainly opposed the bail at this stage even from the contention of the learned Senior counsel for the petitioner saying the changed circumstances including after framing of the charges with first charge against him not other chargers, mainly for the offence under Section 302 read with 120 (B) IPC, as the petitioner is the main privy along with other accused and likelihood of interfering and threatening the witnesses at this crucial stage, while granting interim bail for 30 days, with the following conditions to attend for his treatment and also of his wife within the State and in Vellur Hospital of Tamilnadu State and shall not move beyond in the State of Tamilnadu, much less beyond the State of Andhra Pradesh and the learned Sessions Judge is directed to give trial schedule as both stated not so for given and proceed with trial as per the spirit of Section 309 Cr.P.C. It is made clear that the petitioner is at liberty to move after four months if at all from showing changed circumstances and in the mean time on examination of any material witnesses, particularly, the eye witnesses. Accordingly, the bail is granted to the petitioner / A.6 for a limited period of 30 days subject to the following conditions:

- 1) Petitioner/A.6 shall execute a self-bond for Rs.50,000/- [Rupees Fifty thousand only] with two sureties for the like sum each to the satisfaction of the learned Judge (concerned Court).
- 2) He shall not interfere by staying at Chittoor Town with a direction to the report to the D.S.P. Chittoor daily in the evening at 6.P.M. about his availability, he shall not interfere

with witnesses in and around Chittoor town and Mandal either directly or indirectly and if at all he wants to go to Vellur Hospital, either for his treatment or his wife in Tamilnadu State, he shall report the Station House Officer, Vellur about his availability there, who in turn shall send his reporting by entering and obtaining his signature in a book to the DSP, Chittoor in that period.

3. Accordingly, the bail application is disposed of by granting bail to the petitioner / A.6 for a limited period.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 19.09.2018

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Dr.B. SIVA SANKARA RAO, J

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