

HON'BLE DR.JUSTICE B.SIVA SANKARA RAO**CRIMINAL PETITION No. 9519 of 2018****ORDER :**

The petitioner is accused No.1 among two or more accused of Crime No.77 of 2017 of Mudivelu Police Station of Chittoore District dated 19.10.2017. From the report of *de facto* complainant that he and other persons, who are witnesses in another crime against to the petitioner and others, while they were sleeping, the accused woke-up and threatened with dare consequences and beat them not to give evidence against them in that case. Though the petitioner's contends as innocent and falsely implicated, from the investigation, police filed charge sheet showing *prima facie* acquisition, that was taken cognizance by the learned Committal Magistrate under Section 209 Cr.P.C., and committed to the Court of Session and the same is numbered as SC 317 of 2018 from PRC 3/2018 and is pending for appearance and hearing before charges.

2. Having regard to the above, even A-2 was granted regular bail, according to the contention of the counsel for the petitioner and the Preventive Detention Act proceedings were challenged in W.P.No.18513 of 2018 and Division Bench of this Court having found acquisition sustainable in directed to stay outside the District for one year from February 2018 from which the four months period remained to comply, these are all not even factors to consider from the propensity of the crime, in which the accused involved, where threatened the witnesses not to depose, leave apart, he is shown as a

roudy sheeter and involved in all about 7 crimes right from 2010 and even stated 2010 case ended with a acquittal for the offence under Section 324 read with 34 IPC, the offence of Crime No.128 of 2011 is for the offence under Section 302 IPC and another crime 41 of 2012 was also for the offence under Section 302 IPC and Crime No. 73/2017 is also for the offence under Section 302 IPC and Crime No. 75 of 2017 is for the offences under Section 365 IPC, among other and the crime No. 77/2017 is for the offences under Sections 195(A), 323 and 452 IPC which is the present one, taking consideration of all these facts, as it is the duty though to balance the personal liberty with propensity of crime in the larger interest of society, the petitioner is not entitled to concession of bail.

3. Accordingly the bail application is dismissed and the Sessions Judge is directed to make every endeavour for early disposal of the case.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

Dr.B.SIVA SANKARA RAO,

Date: 18.09.2018

JR

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