

CRIMINAL PETITION No.10600 of 2018

ORDER:

The petitioner, who is A1 filed the present application under Sections 437 and 439 Cr.P.C. seeking enlargement on bail in Crime No.160 of 2017 on the file of Zaffargadh Police Station, Warangal Commissionerate, registered for the offences punishable under Sections 120(b), 302, 364, 326-A r/ w 34 IPC.

2. Heard learned counsel for the petitioner and learned Public Prosecutor representing the State in opposing the bail application and perused the material on record.

3. The date of the alleged offence is on 22.11.2017. The petitioner was arrested on 02.12.2017 and he is in judicial custody since then. The petitioner went unsuccessful earlier in CrI.M.P.No.1054 of 2018 before the learned Principal Sessions Judge, Warangal in seeking regular bail that was ended in dismissal on 20.09.2018.

4. It is one of the contentions of the learned counsel for the petitioners that it is a false implication and the prosecution case itself is contradictory and the P.D.Act detention order against the petitioner was quashed by order of the Division Bench of this Court on 01.08.2018 in W.P.No.19561 of 2018. Hence, to consider the personal liberty of the petitioner to engage an advocate and prosecute his defence, he may be granted concession of bail.

5. The learned Public Prosecutor opposed the bail application.

6. A perusal of the Case Diary, FIR and the remand report clearly show the brutal way in which crime is perpetrated, though personal liberty can also be considered, it will not outweigh to grant concession of bail to the petitioner, thereby dismissed, leave about the fact that

charge sheet already filed and P.R.C.Number allotted and the case is under committal, after that the petitioner can ask for early disposal of the case including hearing on charges. Hence, the committal Magistrate is directed if not already committed the case, for the post office duty, subject to compliance of clauses (a) to (d) of Section 209 Cr.P.C., commit the case as early as possible so that the Sessions Case number can be allotted and the case can be taken up for hearing before charges and if at all any charges framed, for early trial.

7. With the above directions and observations, the Criminal Petition is dismissed.

8. Consequently, miscellaneous petitions, if any shall stand closed.

Date: 12.10.2018
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JUSTICE Dr. B.SIVA SANKARA RAO

