

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.10639 OF 2018

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused No.7, for grant of anticipatory bail in the event of her arrest in Crime No.129 of 2018 of Bukkarayasamudram Police Station, Bukkarayasamudram, Ananthapuramu District, registered for the offences punishable under Sections 115 and 120-B I.P.C. and Section 25(1B) (b) of the Arms Act.

2. Heard the learned counsel for the petitioner/A-7, the learned Additional Public Prosecutor representing the respondent/State and perused the record.

3. Learned counsel for the petitioner/A-7 would contend that the petitioner/A-7 has no relation with A-1 and she was not involved in any telephonic conversation; that a false case is foisted against the petitioner/A-7 and ultimately, prayed to allow this application.

4. On the other hand, the learned Additional Public Prosecutor opposed the grant of anticipatory bail to the petitioner/A-7 and contended that the petitioner/A-7 is the person behind the offence and she wanted to eliminate her husband having developed illegal intimacy with A-1; that A-1 and others were caught red handed, while possessing hunting sickles; that it is not a case to grant bail under Section 438 Cr.P.C. and ultimately, prayed to dismiss this application.

5. There is specific allegation that the petitioner/A-7 developed illegal intimacy with A-1. As per the record, she made several telephonic calls to A-1 through her different cell phones and thereafter, she hatched a plan with A-1 and others to eliminate her husband. When A-1 and other accused gathered at a culvert, situated near Vani English Medium School, Narpala Road, Bukkarayasamudram Village and Mandal on 27.07.2018 at about 2:10 P.M., they were caught red handed with hunting sickles. It is alleged that there is also conversation on telephone between the petitioner/A-7 and A-1 with regard to execution. The allegations are specific and grave against the petitioner/A-7 that she is the brain behind the plan for elimination of her husband. Therefore, she is not entitled for bail under Section 438 of Cr.P.C.

6. Accordingly, the Criminal Petition is dismissed.

7. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

DR.JUSTICE SHAMEEM AKTHER

Date : 29.10.2018
AMD

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