

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.11370 of 2018

ORDER:

This Criminal Petition, under Section 439 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A.5 to A.7, for grant of bail in Crime No.58 of 2018 of Buggaram Police Station, Jagtial District, registered for the offences punishable under Sections 120B, 143, 148, 307, 302, 506 read with 149 of I.P.C.

2. Heard the learned counsel for the petitioners/A.5 to A.7, the learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The learned counsel for the petitioners/A.5 to A.7 would submit that no specific overt acts have been attributed to the petitioners/A.5 to A.7. The petitioners/A.5 to A.7 have nothing to do with the land dispute and they are not responsible for the death of the deceased-D.Ramesh. The petitioners/A.5 to A.7 are innocent persons and due to their rivalry with the de-facto complainant, they are falsely implicated in this case and ultimately prayed to allow the application.

4. On the other hand, the learned Additional Public Prosecutor opposed for grant of bail to the petitioners/A.5 to A.7 contending that the allegations levelled against the petitioners/A.5 to A.7 are specific and grave.

5. As per the material placed on record, there was land dispute between the de-facto complainant and his brothers. The de-facto complainant is said to be the owner of the land admeasuring Acs.1.03 guntas. A settlement to that effect also took place. The de-facto

complainant paid substantial money to buy the said land. However, A.1 in this crime and his family members disputed the ownership and possession of the de-facto complainant over the said land. On 01.09.2018, when the son of the de-facto complainant and his two wives were ploughing the said land, A.1 to A.7 came there and attacked the deceased-D.Ramesh, who is the younger brother of the de-facto complainant. The de-facto complainant also suffered injuries in the said attack. A.1 stabbed the deceased-D.Ramesh with a knife on his chest and stomach while he was caught hold by the petitioner/A.5 and A.8. The deceased-D.Ramesh succumbed to the injuries on the way to hospital. There is specific mention of the overt acts against the petitioners/A.5 to A.7. The allegations against the petitioners/A.5 to A.7 are specific and grave with regard to their participation in the attack and causing death of the deceased-D.Ramesh. The punishment prescribed for the offences alleged against the petitioners/A.5 to A.7 is stringent, which may extend to death or imprisonment for life. Investigation is in progress. Release of the petitioners/A.5 to A.7 on bail would hinder the investigation and there is possibility of the petitioners/A.5 to A.7 threatening the witnesses. It is not a fit case to allow this application.

6. Hence, the Criminal Petition is dismissed.

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

Dr. SHAMEEM AKTHER, J

05th November, 2018
Bvv