

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.12441 OF 2018

ORDER:

This Criminal Petition, under Section 439 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A-5 and A-6, for grant of bail in Crime No.1108 of 2017 of Banjara Hills Police Station, Hyderabad, registered for the offences punishable under Sections 307, 435, 506 and 440 read with 34 I.P.C.

2. Heard the learned counsel for the petitioners/A-5 and A-6, the learned Additional Public Prosecutor representing the respondent/State and perused the record.

3. Learned counsel for the petitioners/A-5 and A-6 would contend that the petitioners/A-5 and A-6 are not responsible for any attack on the *de facto* complainant and they are falsely implicated in this case; that there was no intention for the petitioners/A-5 and A-6 to cause the death of the *de facto* complainant; that due to financial disputes between the *de facto* complainant and A-1, the petitioners/A-5 and A-6 are implicated in the subject crime and ultimately, prayed to allow this application.

4. On the other hand, the learned Additional Public Prosecutor opposed the grant of bail to the petitioners/A-5 and A-6 and ultimately, prayed to dismiss this application.

5. As per the F.I.R. lodged before the police, the *de facto* complainant was not listening to the demands of A-4 and avoiding him. There were some differences between the *de facto*

complainant and A-1 to A-3. A-1 to A-3 instructed A-4 to kill the *de facto* complainant by setting his car ablaze throwing a petrol bottle on it when the *de facto* complainant was travelling therein. Pursuant to the conspiracy, the petitioners/A-5 and A-6, on 05.12.2017, visited the house of the *de facto* complainant and observed the surroundings. On 06.12.2017, during morning hours, when the *de facto* complainant left his house by his Audi car, the petitioners/A-5 and A-6 followed his car on their bike. Thereafter, the petitioners threw the petrol bottle on the car and made an attempt to cause the death of the *de facto* complainant by setting fire. In that process, the top of the car was damaged. The petitioners/A-5 and A-6 were arrested and remanded to judicial custody on 28.10.2018. The allegations against the petitioners/A-5 and A-6 are specific and grave. At this juncture, it cannot be said that there was no motive to cause the death of the *de facto* complainant. The punishment for the alleged offences is also stringent. The petitioners/A-5 and A-6 are influential persons. There is possibility of threatening the witnesses and creating hurdles in the investigation of the case. The application is devoid of merit and is liable to be dismissed.

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 : 29.11.2018
AMD

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER



CRIMINAL PETITION No.12441 OF 2018

Date: 29.11.2018

AMD