

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.13034 OF 2018

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.1 for grant of bail in Crime No.256 of 2018 of Aswaraopet Police Station, Khammam District, registered for the offences punishable under Sections 302 and 201 read with 34 of IPC.

2. Heard the learned counsel for the petitioner/A.1 and the learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. Learned counsel for the petitioner/A.1 would contend that the petitioner has nothing to do with the death of M.Papa Chary. He is falsely implicated in this case. A.2 and A.3 were granted regular bail and ultimately, prayed to allow the petition.

4. Learned Additional Public Prosecutor opposed the grant of bail to the petitioner/A.1.

5. The material placed on record reveals that on 27.10.2018 morning, the deceased was erecting fencing around his house in an open land. On earlier occasions, the petitioner/A.1, his mother and brother demanded the deceased-Papa Chary to sell that open land to them, but he refused to do so. On that the petitioner/A.1, his mother and brother bore grudge against the deceased. Somehow, they wanted to get the open land adjoining the house of the deceased. In that process, A.1 along with A.2 and A.3 attacked the deceased and caused his death on the night of 28.10.2018. There is specific allegation against the petitioner/A.1 with regard to the commission of

offence. The weapons used in commission of the offence are yet to be recovered. There is motive for commission of the offence in the subject crime. The punishment for the alleged offences is stringent. Release of the petitioner/A.1 on bail under Section 438 Cr.P.C. would hinder the investigation. It is not a fit case to allow the petition under Section 438 Cr.P.C.

6. In the result, the Criminal Petition is dismissed.

DR. SHAMEEM AKTHER, J

Date: 12.12.2018
ssp

