

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.12941 OF 2018

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C), is filed by the petitioner/accused No.5, for grant of anticipatory bail in the event of his arrest in connection with Crime No.285 of 2018 of Huzurnagar Police Station, Suryapet District, registered for the offences punishable under Sections 448, 384 read with 511, 420 and 471 read with 34 IPC.

2. Heard the learned counsel for the petitioner/accused No.5 and the learned Public Prosecutor appearing for the respondent-State and perused the record.

3. Learned counsel for the petitioner/accused No.5 would submit that the petitioner/accused No.5 is an agriculturist and he is nothing to do with the alleged offences and ultimately prayed to allow the bail application.

4. Learned Additional Public Prosecutor opposed the grant of bail to the petitioner/accused No.5.

5. As per the material placed on record, on 19.11.2018 at about 21:30 hours, the petitioner/accused No.5 along with accused Nos.1 to 4 went to the office of one Saidi Reddy, who is contesting as M.L.A in the elections. This petitioner/accused No.5 and other accused met the *de facto* complainant and introduced that they were from Election Commission and asked about the details of the contesting candidate, who was not available at that time and he was

in election campaign. This petitioner/accused No.5 felt angry and demanded L.W.1-*de facto* complainant to pay an amount of Rs.1,50,000/-, otherwise they would send an adverse report against the contesting candidate Saidi Reddy to the Election Commission. The *de facto* complainant asked the accused to show their identify cards. Accused No.1 had shown some identity card. The *de facto* complainant doubted it as a fake one and immediately, he made an attempt to inform the same to the police. When he was doing so, the petitioner/accused No.5 and other accused noticed the same and tried to escape from the place. Then accused Nos.1 to 4 were caught, but the petitioner/accused No.5 escaped from the scene. Thereafter, A.1 to A.4 were remanded to judicial custody for the offences stated above.

6. The specific allegation against this petitioner/accused No.5 is that he was present and demanded an amount of Rs.1,50,000/- otherwise he would send an adverse report to the Election Commission against the contesting candidate Saidi Reddy. There are witnesses, who are capable of identifying the offenders. So, it cannot be held that the petitioner/accused No.5 is an innocent person. The prosecutor may conduct identification parade. The punishment for the offences alleged is also stringent. It is not a fit case to allow the application under Section 438 Cr.P.C.

7. Accordingly, the Criminal Petition is dismissed.

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

DR.JUSTICE SHAMEEM AKTHER

DECEMBER 10, 2018
YVL

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Date: 10.12.2018

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