

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.12861 of 2017

ORDER:

This Criminal Petition, under Section 439 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused No.1, for grant of bail to him in Crime No.72 of 2017 on the file of the Kaghaznagar Rural Police Station, Komarambheem Asifabad District, registered for the offences punishable under Sections 120(B), 452, 395, 342, 419, 420, 468, 471 of I.P.C.

2. Heard the learned counsel for the petitioner/accused No.1, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The learned counsel for the petitioner/accused No.1 would submit that the petitioner/accused No.1 is falsely implicated in this case. He has nothing to do with the alleged offence. No incident took place, as projected by the prosecution and ultimately prayed to allow the application.

4. On the other hand, the learned Additional Public Prosecutor opposed for grant of bail to the petitioner/accused No.1.

5. As per the prosecution case, on 07.11.2017, at 00:30 hours, the de-facto complainant lodged a report with the police stating that on 06.11.2017 at 06:00 PM, when he was in his rice mill, one Kishan and Promod came to the rice mill and briefed him about rice pulling magnet and its powers and induced him to purchase the same and reap its benefits. On the same day at

07:00 PM, his friend Y.Venkateshwar, handed over an amount of Rs.16,30,000/- to him to safeguard the same. On seeing the money, Kishan (accused No.1) told him that he would call the Bengali persons to show the Rice Pulling Magnet. Despite resistance by the de-facto complainant, Kishan and Pramod called the Bengali persons over phone. Around 08:00 PM, 12 Bengali persons, some of them dressed in military uniform, came to the rice mill of the de-facto complainant in two cars bearing registration Nos.WB-02-T-9500 and WB-02-Z-0983, rounded the de-facto complainant and beat him with sticks and confined them in a room and stolen Rs.16,30,000/- along with other accused in this case. On 09.11.2017, at about 11:00 AM, the police apprehended the accused and on enquiry, they confessed to have committed the offence with the assistance of accused Nos.1 and 2 and they showed the stolen cash and crime weapons, i.e., sticks, knives, talwars and rods. The petitioner/accused No.1, along with accused No.2 and other accused, hatched a plan of dacoity.

6. Further, it is relevant to state that though the petitioner/accused No.1 is remanded to judicial custody on 10.11.2017, investigation is not completed. Accused No.15 in the instant crime is absconding. There are specific and grave allegations against the petitioner/accused No.1. An amount of Rs.1,60,000/- was recovered from the petitioner/accused No.1 pursuant to his confession. In the course of dacoity, the petitioner/accused No.1 and the other accused stolen a cash of Rs.16,30,000/- and got distributed among themselves. The

vehicles used for dacoity were intercepted and seized and ultimately, the petitioner/accused No.1 and the other accused were taken into custody. The allegations against the petitioner/accused No.1 are grave in nature. There is possibility of his repeating similar offence in future in the event of granting bail to him. There are no circumstances to allow this application under Section 439 of Cr.P.C.

7. Hence, the Criminal Petition is dismissed.

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

Dr. SHAMEEM AKTHER, J

03rd January, 2018
Bvv

