

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.12328 OF 2017

ORDER:

This petition is filed under Section 439 Cr.P.C. to grant bail to the petitioner-A2 for the offences alleged under Sections 120-B and 302 r/w 34 IPC.

2. Heard learned counsel for the petitioner-A2, learned Additional Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner-A2 would submit that the petitioner-A2 is an innocent person and falsely implicated in this case. The petitioner-A2 has nothing to do with the death of one Sudershan (hereinafter referred to as 'the deceased'). The petitioner-A2 is in judicial custody from 70 days and ultimately, prayed to allow the application.

4. On the other hand, learned Additional Public Prosecutor opposed the grant of bail to the petitioner-A2.

5. The material placed on record reveals that A1 and the petitioner-A2 are real brothers. The deceased is father-in-law of A1. There were marital disputes between A1 and his wife. The petitioner-A2 used to support his brother A1 and hatched plan with A1 to eliminate the deceased. Accordingly, hiring A3 to A8 on the intervening night of 10/11.01.2017, eliminated the deceased. The names of the petitioner-A2 and A1 are mentioned in the F.I.R. The petitioner-A2 is an instrumental in procuring A3 and other accused in this case to cause the subject death. There are specific and grave allegations against the

petitioner-A2. The investigation is in progress. The release of the petitioner-A2 would hinder investigation. There is possibility of threatening and winning over the witnesses. The punishment for the alleged offence is imprisonment for life or death.

6. Having regard to the nature of allegations, it is not appropriate to enlarge the petitioner-A2 on bail under Section 439 Cr.P.C.

7. Accordingly, the Criminal Petition is dismissed.

DATED: 02-01-2018
Hsd

DR.SHAMEEM AKTHER, J

