

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

CRIMINAL PETITION NO.2445 OF 2019

ORDER:

The petitioners-accused Nos.1 to 3 filed this Criminal Petition under Section 438 of the Code of Criminal Procedure seeking anticipatory bail in Crime No.23 of 2019 dated 09.03.2019 on the file of P.S. Rajapet, Rachakonda District, for the offences under Sections 147, 148, 332, 307 and 435 read with Sections 149 and 420 of the Indian Penal Code and Section 7 of the Essential Commodities Act.

The petitioners contended that they are accused Nos.1 to 3 in Crime No.23 of 2019. The petitioners were falsely implicated in the above said crime and it has been falsely alleged that the petitioners along with other accused have indulged in the business of PDS rice by purchasing the rice from the card-holders and making attempts to sell in the open market and when the police had come to seize the said stock, the petitioners have attacked the police personnel causing them injuries. The petitioners further contended that accused Nos.4 to 10 were granted regular bail. The petitioners are all law-abiding citizens and if they were granted anticipatory bail, they are willing to co-operate with the investigating authorities as and when required.

Learned Public Prosecutor contended that the petitioners are prime accused in the said crime and if the petitioners are granted anticipatory bail, the investigating authorities cannot recover the material objects which were involved in commissioning of the offence. Therefore, the petitioners do not deserve any

consideration and their case seeking anticipatory bail is liable to be rejected.

This Court, having considered the rival submissions made by the parties, is of the considered view that it is not a fit case for grant of anticipatory bail to the petitioners. However, the petitioners can surrender before the Court concerned and seek regular bail. On such surrender, the concerned Court is directed to consider the bail applications of the petitioners on merits and in accordance with law, as it was done in the case of accused Nos.4 to 10.

With the above observations, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending shall stand closed.

(ABHINAND KUMAR SHAVILI, J)

8th May 2019
RRB