

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

CRIMINAL PETITION NO.2493 OF 2019

ORDER:

The petitioners-accused Nos.5 to 9 filed this Criminal Petition under Section 438 of the Code of Criminal Procedure seeking anticipatory bail in Crime No.101 of 2018 dated 01.11.2018 on the file of P.S. Doma, Vikarabad District, for the offences under Sections 147, 148, 302, 307 and 506 read with Section 149 of the Indian Penal Code.

The petitioners contended that they were falsely implicated as accused Nos.5 to 9 in the above said crime. There was a scuffle between the petitioners' family and the *de facto* complainant's family and in the said scuffle, the deceased has expired. The petitioners further contended that a member from their family has also expired. The petitioners submitted that accused Nos.1 to 4 were granted regular bail by the Court below and since the petitioners herein also stand on the same footing, the case of the petitioners can be considered for grant of anticipatory 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 involved in grave crime i.e. Section 302 IPC and the petitioners have been absconding from the investigating authorities since the date of offence i.e. 01.11.2018. Hence, the petitioners do not deserve any sympathy or the case of the petitioners cannot be considered for grant of anticipatory bail.

This Court, having considered the rival submissions made by the parties and as rightly pointed out by the learned Public Prosecutor that the petitioners have been absconding from the investigating authorities since the date of offence i.e. 01.11.2018, 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.1 to 4.

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