

HON'BLE Ms. JUSTICE G. SRI DEVI

CRIMINAL PETITION No.2697 of 2019

ORDER:

This Criminal Petition under Section 438 of Cr.P.C. is filed by the petitioner/A.5 in Crime No.197 of 2017 of Mahabubabad Town Police Station, Warangal District, seeking anticipatory bail.

Heard learned counsel for the petitioner/A.5 and the learned Additional Public Prosecutor appearing for the respondents State. Perused the material on record.

It is the case of the prosecution that due to the property disputes among the family members, the petitioner/A.5 along with other accused killed the deceased, by name Boda Kishan Singh, who is the father of the defacto-complainant. It is alleged that, while A.1 sprinkled chilly powder in the eyes of the deceased and attacked with blades and inflicted cut injuries to the deceased over throat, in the meantime, A.5 and A.6 caught the deceased firmly and thereupon A.1 to A.4 attacked and assaulted the deceased indiscriminately, due to which the deceased succumbed to injuries. It is alleged that though one Devi intervened to rescue the deceased, she was caught by A.8 and A.9 and thereupon, A.7 took the blades from the hands of A.2 and inflicted cut injuries to her so as to kill her, however, she could manage to escape from there. Basing on the report given by the complainant, the police

registered the above crime for the offences punishable under Sections 148, 302 and 307 r/w. Section 149 of IPC.

It is contended by the learned counsel for petitioner/A.5 that the petitioner is innocent of the offences alleged against him and he was falsely implicated by the defacto complainant. It is further contended that except A.1 and A.5, all other accused were arrested on 17.06.2017, remanded to judicial custody and later they were released on bail. It is contended that A.1 was also subsequently arrested and released on bail. It is further contended that though the actual name of the petitioner/A.5 is Bhukya Ashok, in the remand report, his name has been mentioned as Bhukya Hanuman. It is contended that the police are visiting the house of the petitioner/A.5 in his absence stating that he is involved in the above crime, though he is no way concerned with the alleged incident. It is also contended that most part of investigation has been completed and all eye witnesses were examined by the police and that there is nothing further to investigate into the matter, except filing of charge sheet. The learned counsel, therefore, sought for release of the petitioner/A.5 on anticipatory bail.

On the other hand, the learned Additional Public Prosecutor vehemently opposed the relief sought in the above application and contended that initially though A.1 was absconding, subsequently he was arrested and released on bail while in judicial custody. It is contended that the role of

the petitioner/A.5 is also similar to that of A.1 and, therefore, the present application seeking anticipatory bail is liable to be rejected.

A perusal of the remand report reveals that this is a heinous crime committed by the petitioner/A.5 along with other accused and specific role has been assigned to each of the accused by the complainant in his complaint. Since all other accused in the above crime were arrested and released on bail and since the role of the petitioner/A.5 is similar to that of A.1, who was also arrested and released on bail, I am not inclined to grant anticipatory bail to the petitioner/A.5.

In the result, the criminal petition is dismissed. However, the petitioner/A.5 is directed to surrender before the Court below concerned within a period of ten days from today and move an application seeking bail, and on such application being filed, the Court below is directed to dispose of the said application in accordance with law.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE G. SRI DEVI

03.06.2019.
Msr

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03.06.2016
Msr