

THE HON'BLE JUSTICE G.SRI DEVI

Criminal Petition No.3237 of 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.6, for grant of anticipatory bail in the event of his arrest in P.R.C.No.43 of 2018 on the file of Chief Metropolitan Magistrate, Hyderabad (arising out of Crime No.228 of 2016 of Hussainialam Police Station, Hyderabad District), registered for the offences punishable under Sections 147, 148, 302, 120B, 212 read with 149 of IPC and Section 27(3) of the Arms Act, 1959.

2. Heard the learned counsel for the petitioner/A.6, the learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The case of the prosecution, in brief, is that on 03.10.2016, at about 11:15 hours, the police, Hussainialam, received a complaint from the de-facto complainant that on 03.10.2016, in the morning at about 10:00 hours, his father Mirza Khaleel Baig, left from the house to go to printing press situated at Feelkhana in his Maruti Van bearing registration No.AP-09-BA-2243 and the de-facto complainant was on the terrace of the house. The de-facto complainant saw his father boarding into the Maruti Van and reversing it and immediately, he saw Mohd.Mujeebullah Shareef (A.1) and four to five other persons stopping the car, pulling out his father from the car and assaulting him with swords on his neck and head and his father falling on the road. The de-facto complainant immediately ran down from the

terrace to rescue his father and found his father lying on the road with profuse bleeding injuries and his head was hanging and skull was opened. Mohd. Mujeebullah Shareef (A.1) ran away in front of him and the other accomplices fled away from the spot. Immediately, the de-facto complainant took his father to Asra Hospital at 10:20 AM for treatment, wherein, the doctor, after examining his father, declared that his father was brought dead. He accordingly lodged a report with the police to take action against the culprits.

4. The learned counsel for the petitioner/A.6 would submit that the petitioner/A.6 was an innocent person and falsely implicated in this case. The petitioner/A.6 is in no way involved in the murder of the deceased. In fact, the deceased was his younger brother. The petitioner/A.6 sold his property to A.1 in this crime, which was not to the liking of the deceased and there are some disputes *inter se* between them. Because of the pending civil disputes between the petitioner/A.6 and the deceased, the petitioner/A.6 has been wantonly roped into this crime. The petitioner/A.6 is aged about 80 years and is suffering from old age ailments. The petitioner/A.6 has no criminal antecedents and he hails from a respectable family. Investigation is completed and charge-sheet is filed in this crime and as such, custodial interrogation of the petitioner/A.6 is not required and ultimately prayed to grant anticipatory bail to the petitioner/A.6.

5. On the other hand, the learned Additional Public Prosecutor vehemently opposed the bail application stating that earlier five bail applications filed by the petitioner/A.6 were dismissed. The

petitioner/A.6 was instrumental in the murder of the deceased and ultimately prayed to dismiss the application.

6. A perusal of the contents of the Final report filed in this case would reveal that Accused No.1/Mohd.Mujeebullah Shareef conspired with the petitioner/A.6 and others to do away with the life of the deceased. All of them have secured the presence of the hired assassins, i.e., A.10 to A.13, procured deadly weapons, and brutally murdered the deceased on the road in front of his house, according to a pre-arranged plan. The allegations levelled against the petitioner/A.6 are serious in nature. The gravity of the offence is high. Release of the petitioner/A.6 on bail would hinder the investigation and there is every possibility of the petitioner/A.6 threatening the witnesses. Moreover, five bail applications filed by the petitioner/A.6 on earlier occasions were dismissed and no changed circumstance(s) are brought to the notice of this Court. The Criminal Petition is devoid of merit and is liable to be dismissed.

7. In the result, the Criminal Petition is dismissed.

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

JUSTICE G.SRI DEVI

26th June, 2019
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