

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.5359 of 2019

ORDER:

This Criminal Petition, under Sections 437 and 439 of the Code of Criminal Procedure, 1973 is filed by the petitioner, who is A.2, seeking enlargement on bail in Crime No.93 of 2019 of Jubilee Hills Police Station, Hyderabad, pending on the file of the learned XVII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, registered for the offences punishable under Sections 365, 342, 346, 392, 302, 201, 202 and 212 r/w. Section 109 of IPC.

The case of the prosecution is that the petitioner/A.2 along with other accused with a common intention had committed murder of the deceased.

Heard learned counsel for the petitioner/A.2 and the learned Additional Public Prosecutor appearing for the respondent State. Perused the material on record.

Learned counsel for the petitioner contends that the petitioner is a student by profession and he is undergoing treatment at Nature Cure Hospital for his ill-health during occurrence of incident and hence there is no *mens rea* on the part of the petitioner. It is also contended that material part of investigating has been completed and the police have

already examined the material witnesses and a preliminary charge sheet has already been filed in PRC.No.132 of 2019. It is contended that earlier bail application of the petitioner was dismissed by this Court vide order dt.18.07.2019 in Crl.P.No.3872 of 2019 and this is the second bail application of the petitioner. It is contended that the petitioner is ready to abide by any conditions imposed by this Court, including assisting the investigating agency for his release on bail in the above crime.

On the other hand, the learned Additional Public Prosecutor vehemently opposed the relief sought in the above petition.

A perusal of the record reveals that there are specific allegations levelled against the petitioner and earlier bail application of the petitioner was already dismissed by this Court on merits vide order dt.18.07.2019 in Crl.P.No.3872 of 2019 and this is the second bail application of the petitioner, however, no new ground whatsoever has been urged in the present petition. In view of specific nature of allegations levelled against the petitioner, I am not inclined to grant bail to the petitioner/A.2.

Accordingly, this Criminal Petition is dismissed.

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

JUSTICE G. SRI DEVI

09.09.2019.
Msr



HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.5359 of 2019



09.09.2019
Msr