

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.6899 OF 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C'), is filed by the petitioner/Accused No.2 for grant of anticipatory bail in the event of his arrest in connection with Crime No. 720 of 2018 of Mailardevpally Police Station, Cyberabad District.

2. Heard learned counsel for the petitioner/Accused No.2 and the learned Additional Public Prosecutor representing the respondent/State. Perused the record.

3. As per the complaint allegations, there are property disputes between accused No.1, victim and others. Due to which, accused No.1 bore grudge against the victim and waiting for an opportunity to take revenge against him. Accused Nos.2 and 3 are sons of Accused No.1. Accused No.4, who is a friend of accused No.2, acted as mediator between Juvenile in conflict with law and Accused Nos.5 and 6. The Accused persons hatched a criminal conspiracy and accordingly, on 30.08.2018, all the accused having confirmed about the presence of the victim, over phone, at his shop, accused Nos.5 and 6 entered into the shop of the victim and accused No.5 stabbed the victim with a knife in his stomach and that the knife was stuck in the stomach of the victim. On hearing the cries of the victim, accused Nos.5 and 6 fled away from the scene of offence.

4. Learned counsel for the petitioner/accused No.2 would submit that the petitioner is an innocent person and falsely

implicated in this case; that basing on the confessional statement of co-accused, the petitioner has been roped into this false case; that the petitioner is suffering from paralysis since November, 2018; that the petitioner is not keeping good health and at present he is totally bed-ridden and confined to bed only. He further stated that accused Nos.1, 4, 5 and 6 were already released on bail and police have recorded the statements of L.Ws.1 to 16 and entire investigation is completed in this case and hence, he prays to grant anticipatory bail to the petitioner/accused No.2.

5. Learned Additional Public Prosecutor opposed the grant of anticipatory the bail to the petitioner/accused No.2.

6. As seen from the contents of the First Information Report, there are specific allegations against the present petitioner that he has taken an active role in introducing his friends, Accused Nos.4 to 6, to his father, accused No.1, who had developed grudge against the victim and tried to eliminate him and accordingly, the petitioner/accused No.2 has given all the details and other information of the victim to accused Nos.4 to 6. The petitioner also send photograph of the victim to accused Nos.5 and 6.

7. Thus, looking into the nature of allegations levelled against the petitioner/accused No.2 and involvement of the petitioner in the commission of offence, I am not inclined to grant bail to the petitioner. Therefore, the prayer for anticipatory bail is rejected.

8. Accordingly, the Criminal Petition is dismissed. However, if the petitioner/accused No.2 surrenders before the Court concerned within fifteen (15) days from today and files an application for

grant of bail, after giving prior notice to the Public Prosecutor, the same shall be considered in view of the ailment of the petitioner, in accordance with law.

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

JUSTICE G SRI DEVI

6th November, 2019
YVL



THE HONOURABLE JUSTICE G. SRI DEVI



CRIMINAL PETITION No.6899 OF 2019

Date:06.11.2019

YVL