

**HON'BLE JUSTICE G. SRI DEVI**

**CRIMINAL PETITION No.7014 of 2019**

**ORDER :**

This Criminal Petition under Section 438 of Cr.P.C. is filed by the petitioner/A8, seeking anticipatory bail in Crime No.184 of 2019 on the file of the S.H.O., Adilabad I Town Police Station, Adilabad District, registered for the offences punishable under Sections 143 and 302 r/w 149 IPC.

2. Heard learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for respondent-State.

3. Learned counsel for the petitioner submits that the de facto complainant specifically mentioned in the complaint that A1 to A7 have taken his brother and A1 has stabbed the deceased-Shaik Asif, whereas the other accused caught hold of the deceased. He further submits that in the entire complaint, there is no single word stated against the present petitioner about his involvement in the crime and even then, the police have falsely implicated the present petitioner in this case at the instance of his opponents. He further submits that after registration of the crime, police have arrested A2 to A6 on 17.08.2019 and recorded the statements of all the material witnesses, but none of the witnesses have stated about the involvement of the present petitioner in the case and ultimately on

22.08.2019 while remanding A1 and A9, the police have arrayed the petitioner as A8 basing on the alleged confessional statement of A1. Thus, the present petitioner and A9 have abetted A1 to commit the offence. He further submits that the marriage of the present petitioner was performed with A4 and out of their wedlock, they were blessed with three children. Due to disputes, they have taken divorce about 25 years back. After divorce, A4 got marriage with A3 and they have blessed with four children. A5 and A6 are the children of A3 and A4. He further submits that after divorce, the present petitioner also got marriage and he is living separately and hence, he has nothing to do with the family affairs of A3 and A4. He further submits that keeping in mind, A1 might have spoken against the present petitioner with regard to abetment at the instance of police. He further submits that the petitioner is not involved in the case mentioned in the remand report and deliberately, his name was included in the present crime. He further submits that the police have completed the entire investigation by examining 26 witnesses, except filing of charge sheet. He further submits that the allegations mentioned in the F.I.R. do not constitute the offences alleged against the petitioner. He further submits that the petitioner is a law abiding citizen and permanent resident of Adilabad District having movable and immovable properties in the village. The

petitioner is ready to furnish the sureties if he is released on bail and abide by the conditions, if any imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. On the other hand, the learned Additional Public Prosecutor representing the State vehemently opposed the bail application.

5. As seen from the contents of the remand case diary, there are specific allegations against the present petitioner that the present petitioner along with A9 abetted A1 to commit the murder of the deceased. On the fateful day, when the deceased has gone with A1 and L.Ws. 2 and 3 to the house of the accused, all the accused i.e., A1 to A6 picked up quarrel by saying that the deceased has spoiled the life of A5 and assaulted him severely and inflicted several injuries on the body of the deceased. Meanwhile, A1 got a cloth cutting scissor from the house and A2 to A7 caught hold the deceased. Thereafter, A1 stabbed at the left collar pit of the deceased and the other accused A8 and A9 have abetted A1 to commit the murder of the deceased. The entire incident was witnessed by L.Ws. 2, 3 and 8. L.W.8 sought the help of L.W.9-an auto driver and L.W.10 and all of them shifted the deceased to RIMS, Adilabad, through the auto.

6. Thus, looking into nature of allegations made against the petitioner that he along with A9 abetted A1 to commit the murder of the deceased, I am not inclined to grant anticipatory bail to the petitioner

7. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions, if any pending, shall stand closed.

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**JUSTICE G. SRI DEVI**

**DATED: 11.11.2019.**

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