

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.7899 of 2019

ORDER :

This Criminal Petition, under Sections 437 and 439 of Cr.P.C., is filed by the petitioner, who is A.3, seeking to enlarge him on bail in Crime No.840 of 2019 on the file of Vanasthalipuram Police Station, Rachakonda Commissionerate, registered for the offences punishable under Sections 302 and 201 read with Section 34 IPC and Section 3(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act. 2015.

Heard learned counsel for the petitioner/A.3 and the learned Additional Public Prosecutor appearing for the respondent-State. Perused the material on record.

Learned counsel for the petitioner submits that the allegations levelled against the petitioner are all false and fabricated stories created by the *de facto* complainant in order to implicate the petitioner in the case; that the petitioner is innocent and he is no way concerned with the allegations levelled against him; that he is in judicial custody since 15.10.2019; that he did not commit any offence as alleged in the complaint; that all the witnesses are the family members of the deceased and their statements have been recorded by the Police and in collusion with the family members of the deceased for implicating the petitioner; that the Police has

already completed investigation and no useful purpose will be served if the petitioner is in judicial custody; that the petitioner belongs to a reputed family and he is having permanent residence in Hyderabad; and in the event bail is granted to the petitioner, he is ready to abide by any terms and conditions imposed by this Court and is ready to provide sufficient sureties to the satisfaction of this Court.

The learned Additional Public Prosecutor opposed to grant bail to the petitioner and submits that this is the third bail application and the first bail application filed by the petitioner was dismissed by the Court below vide order dt.11.11.2019 in Crl.M.P.No.701 of 2019 in Crime No.840 of 2019; and the second bail application was dismissed by this Court on merits vide order dt.28.11.2019 in Crl.P.No.7441 of 2019 and hence the petitioner is not entitled for grant of bail.

From a perusal of the record, it is clear that there is active participation of the petitioner in committing the murder of the deceased-husband of A.1. Further, the earlier two bail applications filed by the petitioner were already dismissed on merits and no new grounds whatsoever have been urged in this third bail application. Thus, looking into the nature of allegations levelled against the petitioner and also the involvement of the petitioner in commission of the crime, I am not inclined to release the petitioner/A.3 on bail.

Accordingly, this Criminal Petition is dismissed.

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

JUSTICE G. SRI DEVI

12.12.2019.
Msr



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Msr