

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO. 3435 OF 2022

O R D E R:

This Criminal Petition is filed under Sections 437 and 439 of the Code of Criminal Procedure, 1973 (for short “Cr.P.C.”) seeking to enlarge the petitioners, who are arrayed as accused Nos.1 and 3, on bail in Sessions Case No.28 of 2014 on the file of XI Additional District and Sessions Judge (Fast Track Court), Ranga Reddy District at Medchal, being tried for the offences punishable under Sections 302, 379 and 120-B IPC. In the said crime Accused No.2 died, as such case against him was abated.

2. Heard the learned counsel for the petitioners and learned Assistant Public Prosecutor and perused the record.

3. The learned Counsel appearing for the petitioners submits that Twenty Two witnesses are examined and the petitioners have taken defence plea of *alibi*, as such burden shifts on to the accused to prove their case. The trial court, on the basis of abscondance of accused for three years,

refused to grant bail after they were arrested and remanded to judicial custody on execution of NBWs.

4. If the trial Court, after looking at the defence taken by the petitioners, is of the view that their release is necessary for the purpose of securing defense evidence and proving their *alibi*, the trial court accordingly shall consider release of the petitioners on bail, on filing application.

5. Accordingly, this petition is disposed of.

6. As a sequel thereto, miscellaneous applications, if any pending, shall stand closed.

K.SURENDER,J

25.04.2022
trr

cc by tomorrow.