

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.11024 of 2022

ORDER:

1. Heard Sri N.Naveen Kumar, learned counsel for the petitioner as well as the learned Additional Public Prosecutor who is representing the Respondent-State.
2. Seeking pre-arrest bail, the present Criminal Petition is filed by the petitioner, who is arrayed as Accused No.1 in Crime No.223 of 2022 of Haliya Police Station, Nalgonda District, under Section 438 Cr.P.C.
3. Making his submission, learned counsel for the petitioner contends that the petitioner has not committed any offence whatsoever and even as per the version of the prosecution, the petitioner did not attack the alleged injured. Learned counsel submits that Accused No.8 moved an application before the Sessions Court for grant of anticipatory bail and anticipatory bail was accordingly granted and therefore, allowing the present Criminal Petition, anticipatory bail may be granted in favour of the petitioner/Accused No.1.

4. Vehemently opposing the submission thus made, learned Additional Public Prosecutor states that the petitioner is the prime accused. Learned Additional Public Prosecutor further submits that the involvement of the petitioner in crime is clearly borne by record and further, there was a plan to kill the victim. But the victim sustained grievous injuries. Learned Additional Public Prosecutor also states that the analogy applied for granting anticipatory bail so far as Accused No.8 is concerned cannot be applied to the petitioner herein who is the prime accused.

5. The facts of the case in brief as could be perceived through the material available on record is that the petitioner and the victim-Prashanth were doing Real Estate business. Monetary transactions also went on between both of them. Later disputes arose. The petitioner bore grudge towards the victim-Prashanth and decided to eliminate him. He narrated the entire facts to Accused No.7 and requested him to arrange hired killers. He expressed his willingness to pay *supari*. On that, hired killers were arranged. The house of the victim was shown

to them. Those hired killers made a Recci, observed daily movements of the victim and hatched a detailed plan to eliminate him. Accordingly, on the date of incident, they attacked him with sticks and beat him indiscriminately, due to which he sustained severe injuries and became unconscious. Presuming that he died, they left him. The allegations thus levelled are grave in nature.

6. The submission of the learned Additional Public Prosecutor is that there is direct involvement of the petitioner in the crime and further the investigation is still pending.

7. Having perceived the facts of the case and the stage of investigation, this Court is of the view that the request of the petitioner cannot be honoured at this stage.

8. Resultantly, the Criminal Petition is dismissed.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date:23.12.2022
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