

John Abraham Vs. the State of A.P. Rep. by Its Public Prosecutor

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Court : Andhra Pradesh

Decided On : May-19-2010

Judge : B. Chandra Kumar, J.

Acts : Code of Criminal Procedure (CrPC) - Sections 437 and 439; ; Indian Penal Code (IPC) - Sections 34, 120B, 206, 302, 363, 380 and 509

Appeal No. : Criminal Petition No. 4291 of 2010

Appellant : John Abraham

Respondent : The State of A.P. Rep. by Its Public Prosecutor

Advocate for Def. : Public Prosecutor

Advocate for Pet/Ap. : K. Suresh Reddy, Adv.

Disposition : Petition dismissed

Judgement :

ORDER

B. Chandra Kumar, J.

1. This Criminal Petition is filed by the petitioner-Accused No. 1, under Sections 437 and 439 of Cr.P.C., seeking bail in Crime No. 242 of 2009 of P.S. North Zone Team, Central Crime Station, DD, Hyderabad, registered for the offences

punishable under Sections 302, 380 r/w Section 120-B of IPC.

2. Heard.

3. The petitioner is Accused No. 1 and husband of A.2. There are four deceased persons in this case and they are all residents of Dubai. They came for a visit to their native place Tanuku in East Godavari District. A.2 is no other than the niece of deceased No. 1. A.2 was selling insurance products to public and induced all the deceased to invest Rs. 80,00,000/- and D.2 had sent a sum of Rs. 20 lakh to A.2. However, the said amount was misused by A.2. Subsequently, when the deceased were asking about the policy and money, A.2 hatched a plan to eliminate the deceased persons. On 21.08.2009 when the deceased came to Hyderabad and were staying in Park Lane Hotel, the accused met them and shifted to RAK Royal Lodge, Regimental Bazar, Secunderabad, on the ground that the insurance agent would come and hand over a cheque for Rs. 80 lakh. The accused made D.2 to consume liquor which was mixed with ethyl alcohol and killed him by strangulation. They also killed the other deceased.

4. The learned Counsel for petitioner submitted that the other accused have been enlarged on bail.

5. The learned Additional Public Prosecutor submitted that the petitioner herein is an accused in S.C. No. 38 of 2009 on the file of II Addl. District & Sessions Judge, Vizag for the offences under Sections 302, 363, 206, 120-B r/w 34 IPC and also an accused in Crime No. 78 of 2009 under Section 509 IPC of II Town P.S., Vizag and the petitioner herein (A.1) is the main culprit and the mastermind behind the brutal murders. It is also submitted that gold ornaments of deceased 1 and 2 were seized from the possession of petitioner and he was identified by the witnesses in test identification parade.

6. The earlier petition in Crl.P. No. 1058 of 2010 filed by the petitioner seeking bail was dismissed by this Court on 18.02.2010.

7. Justice has to be done not only to the accused, but also to the victims. The interest of society and public at large should be kept in mind. Granting of bail to

some accused cannot be a sole ground to grant bail to the other accused in a case. The nature of offence, role played by the accused, the manner in which the offence was committed, nature of evidence, possibility of threatening the witnesses, alleged involvement in other criminal cases, etc. have to be taken into consideration while considering bail applications.

8. Having regard to the nature of offences and the manner in which the deceased were done to death and the evidence against the accused, I am of the view that the petitioner is not entitled for bail. Moreover, in a grave gruesome murder case, if bail is granted to the prime accused, the possibility of threatening the witnesses cannot be ruled out.

9. Accordingly, the criminal petition is dismissed.

10. The learned Counsel for the petitioner submits that the petitioner may be permitted to renew his application. This order will not come in the way of the petitioner in filing fresh bail petition in future.

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