

**HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY**

**CRIMINAL PETITION No.1050 OF 2022**

**ORDER:-**

This criminal petition under Section 439 of the Code of Criminal Procedure, 1973 is filed to enlarge the petitioner on bail.

2. The petitioner is A-6 in S.C.No.110 of 2016 on the file of IX Additional District and Sessions Judge, Chittoor which is arising out of Crime no.130 of 2015 of Chittoor I Town Police Station.

3. The petitioner has been facing prosecution along with other accused for the offences punishable under Sections 147, 148, 302, 307, 120-B, 109 read with Section 149, Sections 212, 216 and Section 201 of the Indian Penal Code, 1860, Sections 25(IA), 25(IAAA), 25(1B)(a), 25(1B)(c), 27(3) and Section 30 of Indian Arms Act, 1959.

4. Briefly stated, it is the case of the prosecution that assailants in this case entered the office of Mayor in Chittoor District along with a pistol by wearing masks and trespassed into the chambers of Mayor during day time and committed murder of the Mayor and shot her at point blank with a pistol and thereafter created a panic situation in the office by threatening the officials in the office of the Mayor and left the scene of offence. The Mayor died on account of the gunshot injuries sustained in the hands of assailants. The said gruesome murder was committed in broad day light in pursuance of the conspiracy that is hatched up among all the accused in this

case. It is stated that the petitioner herein who is A-6 is the main person behind conspiracy which was hatched up and he is responsible for the murder of the Mayor that took place on the date of offence.

5. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

6. Learned counsel for the petitioner would submit that the petitioner has been in judicial custody for more than seven years period and trial of the case is not commenced till now and as the petitioner has been languishing in jail for the last seven years period, he prayed for grant of bail to the petitioner. He would submit that the petitioner is not the person who committed the murder of the deceased and the allegation against him is only that he has hatched up conspiracy along with other accused to commit the offence of murder. Therefore, in view of the limited role attributed to the petitioner, he prayed for grant of bail.

7. Learned Additional Public Prosecutor opposed the criminal petition. He would submit that the person who is behind the conspiracy and the murder of the Mayor is the petitioner herein. He would submit that he has hatched up the conspiracy by engaging services of assailants who committed the murder of the Mayor in this case and he has arranged vehicles and masks etc., to the assailants for the purpose of murder of the deceased and he was waiting outside of office of the Mayor and thereafter with the help of the petitioner herein that all the accused have escaped from the scene of offence. Therefore, he would submit

that the petitioner is the main person who is responsible for hatching up conspiracy and murder of the Mayor in this case. He would submit that the petitioner is influenced person and if he is released on bail, he would tamper with the prosecution evidence and thereby prayed for dismissal of the petition.

8. Earlier when A-1 has filed CrI.P.No.2032 of 2020 for grant of bail, this Court while dismissing the said application has directed the trial Court to conduct expeditious trial of the case. The following order is passed as is evident from the Paragraph No.12 of the order dated 16.07.2020:

*“In the result, the petition is dismissed. However, the learned Sessions Judge, before whom this case is pending for trial, is directed to expedite the trial of the case. As the trial courts are now permitted to hold virtual courts in view of the present pandemic situation, the trial court, in consultation with the Special public Prosecutor, if any appointed, and also learned defense counsel appearing for the accused shall decide whether to hold the trial by holding virtual courts or by holding a regular court and commence the trial, as the charges are already framed in this case and fix the trial schedule and complete the trial as early as possible. As it is said that there are 80 witnesses to be examined, the learned Sessions Judge shall take steps to complete the trial within three months period from the date of receipt of a copy of this order. In case it is decided to hold regular court to conduct the trial, the learned Sessions Judge shall take all necessary precautions in the present pandemic situation, while holding the trial of the case”.*

9. Therefore, as per the direction of this Court, the trial court has to complete the trial of the case within three months from the date of receipt of a copy of the order. As the said order is passed long back on 16.07.2020 and as it is now brought to the notice of this Court that the trial is not completed within the time stipulated by this Court, this Court has directed the Registrar (Judicial) to call for report from the learned Sessions Judge. Accordingly, the learned Judge has submitted her report. A perusal of the report reveals that the trial could not be

completed within the stipulated time on account of hurdles created by the accused in this case. A Writ Petition was filed by the son of A-1 questioning the appointment of the Public Prosecutor to conduct trial of this case and stay was obtained in the writ petition. Even after disposal of the said writ petition and stay is vacated also successive applications are being filed to protract the trial in this case. It appears that a petition to order further investigation has been filed and on that ground adjournments are sought by the accused. Now, it is brought to the notice of this Court that the said petition filed for ordering further investigation was also dismissed in the trial Court and the same is again being questioned in this Court. However, no stay is ordered in the said petition. It is also brought to the notice of this Court by learned counsel for the petitioner that another revision case is pending before this Court challenging the order of framing charges by the trial Court. However, no stay is granted in the said revision case also. Thus, as can be seen from the aforesaid events and also the report of the Sessions Judge, it is evident that as hurdles are being created by the accused from time to time that the trial could not be completed till now. Therefore, the petitioner cannot seek bail on the ground of delay of trial of the case. When the accused are responsible for the delay in completing the trial of the case, they cannot take advantage of their own dilatory tactics and seek bail on that ground.

10. It is already held by this Court in the earlier order dated 16.07.2020 in CrI.P.No.2032 of 2020 that the facts of the case

show that it is a case of gruesome murder of Mayor committed by the accused in this case. It is found that the said murder was committed after hatching up a conspiracy by all the accused to commit the said murder. As per the facts of the case, the petitioner is the main person who is behind the said conspiracy and he is responsible for commission of the murder of the Mayor. It is stated that he has arranged the vehicles and masks etc., to the assailants who committed the murder of the Mayor and that he was also waiting near the office and thereafter with the help of the petitioner all the assailants escaped from the scene of offence. It is the version of the prosecution that the petitioner is an influenced person and if he is released on bail, he would tamper with the prosecution evidence. Therefore, in the said facts and circumstances of the case, this Court is of the considered view that the petitioner is not entitled to bail. The case is now coming up for trial as charges are already framed. As there is no stay granted in any of the proceedings which are pending before this Court, the trial Court shall proceed with the trial of the case and complete the same expeditiously as early as possible.

11. Therefore, the Criminal Petition is dismissed with the above direction.

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**JUSTICE CHEEKATI MANAVENDRANATH ROY**

Date : 23.03.2022

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**THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY**

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