

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.330 of 2015

ORDER:

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The petitioner is the sole accused in P.R.C.No.52 of 2014 on the file of Additional Judicial Magistrate of First Class, Avanigadda which arose out of Cr.No.110 of 2014 of Ghantasala Police Station filed the present application under Section 437 and 439 of the Code of the Criminal Procedure (Cr.P.C.), seeking enlargement on bail in the above crime registered for the offence punishable under Section 302 IPC.

The case of the prosecution is that on 22-06-2014 at about 2.00 pm, the petitioner went to the fields of the deceased-Tirumalasetty Surya Chandrarao in Srikakulam village, where he found the wife of deceased watering their Brinjal garden and also found the deceased sleeping near the bushes. Immediately, the petitioner is alleged to have gone there, hacked the deceased thrice on his head, separated his head from trunk, legs and hands from his body causing instantaneous death. Basing on these allegations, the above case came to be registered.

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

Learned counsel for the petitioner mainly submits that the entire investigation is over and since the police have already filed charge sheet, detaining of the petitioner in jail for further period is un-warranted. He further submits that the petitioner is having fixed abode and will cooperate with the Court in completion of trial at the earliest.

Sri Chidambaram, learned counsel appearing on behalf of *de facto* complainant opposed the application contending that the allegations in the charge sheet are serious in nature and the petitioner does not deserve for bail.

Learned Public Prosecutor opposed the application.

A perusal of the material on record would show that earlier the petitioner herein is involved in Cr.No.44 of 2011 for an offence punishable under Section 302 r/w 34 IPC in respect of death of one Lingineni Murali Babu. In the said crime, the petitioner was released on bail on 02-04-2014. Immediately after his release, he got himself involved in the present crime and killed the deceased on 22-06-2014. The

post-mortem examination report, which is placed on record, would show that the dead body was cut into pieces. The head was separated from the trunk and neck region. Both the lower limbs were amputated. The left upper limb was amputated at left shoulder joint, the right upper limb was amputated at lower 1/3rd at Right Arm and Left hand thumb was amputated from hand. A reading of the post-mortem examination certificate shocks the conscience of the Court as the accused has not only cut the dead body into pieces but also exposed the internal organs of the stomach.

Having regard to the gravity of the offence, the manner in which the offence was committed and since the petitioner is involved in another crime for the offence punishable under Section 302 IPC, I am not inclined to grant bail to the petitioner.

Accordingly, the Criminal Petition is dismissed. As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE C. PRAVEEN KUMAR

13-02-2015

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