

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 2618 of 2015

ORDER :

The petitioners, who are accused Nos.A.1, A.2 & A.4 in Crime No.7 of 2015 of Chegunta Police Station, Medak District, filed the present application under Sections 437 & 439 Cr.P.C. seeking enlargement on bail in the above crime registered for the offences punishable under Sections 120-B, 147, 148, 302, 307, 324, 341 and 435 r/w Section 149 IPC.

The case of the prosecution as per the remand report dated 21.01.2015 is as under:

The deceased-Muradi Rajaiah and his caste person by name Gundla Ramulu participated in an auction of a fish tank lease, in which Gundla Ramulu succeeded. Since then disputes arose between the deceased and Ramulu. Few days thereafter Gundla Ramulu died accidentally at his fields. In respect of which a case in Crime No.196 of 2014 of Chegunta P.S. came to be registered for an offence punishable under Section 174 Cr.P.C. The said case was referred as accidental death due to electric shock. A suspicion was raised saying that the deceased herein, by name Muradi Rajaiah, killed Ramulu. As such A.1, who is the brother's son of Ramulu developed grouse against the deceased. On 07.01.2015 one Jurru Pochaiah died under suspicious circumstances near Brahmana cheruvu in the outskirts of Bonala village. In respect of the said death, a case in Crime No.2 of 2015 of Chegunta P.S. came to be registered. The deceased was blamed for the said incident also and as such the deceased started moving secretly in the village. In view of the above, on 15.01.2015 A.1 to A.25 gathered at Peddamma temple in the limits of Bonala village and planned to eliminate the deceased. On the said date the deceased-Rajaiah went to the house of informant at Rukmapur village and thereafter at about 10.00 p.m. started returning to his house along with Gandla Sivaramulu, L.W.6, L.W.5 and L.W.7 on two motorcycles. A.26 is alleged to have passed on the information about the movements of the deceased to A.1. Pursuant to the said information, A.1 to A.25 congregated at "T" junction and stopped their motorcycles. Thereafter, A.1 made L.W.1 to remove his monkey cap and sit aside and attacked the deceased Rajaiah with an axe on forehead alleging that he is responsible for the deaths of Jurri

Pochaiah and Gundla Ramulu. A.2 is alleged to have hit J.Swamy with a wooden pestle on the head. A.3 is alleged to have beat G.Ramulu with a wooden pestle in the stomach, while A.4 beat with a stick on forehead. A.5 beat with a stick on eye and A.6 beat with stick on nose. A.7 beat with a stick on shoulder. Further, A.5 and A.7 are alleged to have beat L.W.5 with sticks while A.2, A.4 and A.6 beat L.W.6 with sticks. A.3 and A.7 also beat L.W.7 with sticks when he tried to intervene and rescue the deceased. It is further alleged that when L.W.1 and L.Ws.5 to 7 tried to escape from the scene, A.15 to A.25 wrongfully restrained them while A.8 and A.13 damaged their vehicles along with A.11, A.12, A.9, A.10 and A.14. L.W.1 is alleged to have escaped from the scene, went to Rukmapur and informed L.Ws.4 and 8 about the incident. The said Rajaiah died while he was being shifted in an auto to Government Hospital, Medak.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent-State.

A perusal of the material placed before the Court would disclose that earlier A.1 and A.4 approached this Court for bail vide CrI.P.No.1684 of 2015 which was rejected on 16.03.2015. Thereafter, there is no progress in the investigation.

In ***State of Tamilnadu vs. S.A.Raja*** the Apex Court held that without there being any major change of circumstances, another fresh application should not have been dealt with within a short span of time unless there were valid grounds giving rise to a tenable case for bail. The Apex Court further held the principles of *res judicata* are not applicable to bail applications, but the repeated filing of the bail applications without there being any change of circumstances would lead to bad precedents.

In the absence of any change in the circumstances of the case and as investigation is still pending, the request of A.1 and A.4, whose earlier bail application was rejected by this Court, cannot be accepted. In so far as A.2 is concerned, the averments in the remand report clearly disclose that he is alleged to have hit J.Swamy with a wooden pestle on the head. As the post-mortem report is awaited and since the investigation is still pending, this Court is not inclined to grant

bail to A.2 at this stage.

Accordingly, the Criminal Petition is dismissed leaving it open to the petitioners/A.1, A.2 & A.4 to renew their request before the trial Court after completion of investigation.

JUSTICE C. PRAVEEN KUMAR

1st April, 2015

cbs

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