

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.716 of 2015

ORDER:

The petitioner, who is accused No.8, filed the present application under Section 438 Cr.P.C. seeking release in the event of her arrest in connection with Crime No.381 of 2013 of Gajuwaka Police Station, Visakhapatnam City, registered for the offences punishable under Sections 302 and 201 IPC. The police investigated into the matter and filed a charge sheet, which was numbered as P.R.C.No.27 of 2014. As the petitioner did not obtain bail or anticipatory bail, the learned Magistrate while taking cognizance issued non-bailable warrant against the petitioner.

The averments in the charge sheet are as under:

On 22.07.2013, in pursuance of their conspiracy, accused Nos.1 to 3 went to the house of deceased during night time and while accused Nos.1 to 3 were waiting outside, accused No.2 entered into the bed room of the deceased and is alleged to have squeezed his neck and pressed his face with a pillow, thereby causing his death. Then, accused Nos.1 to 3 took away some of the documents relating to the disputed house and locked the doors of the house and proceeded to Annavaram in a Car bearing No. AP 16 CC 3888 which was brought by accused No.4. On 23.07.2013 accused Nos.1,2 and 5 proceeded to Rajahmundry, there accused No.1 pledged some gold ornaments through accused No.5 in Muthoot Finance of Danavaipeta Branch in the name of LW.67, who was having account and accused No.1 purchased a car bearing No. AP 28 AE 2347 in the name of accused No.2 from Show Car Zone, financed the car at Ramsai Finance through accused No.5 in the name of accused No.2 by showing the name

of accused No.3 as Nanda Ramesh Babu of Kakinda and both accused Nos.2 and 5 proceeded to Annavaram. On the same night accused Nos.2 and 3 proceeded to Visakhapatnam in Car bearing No.AP 28 AE 2347, visited the house of the deceased, brought the body of the deceased from his bed room and thereafter accused No.2 is alleged to have cut the body of the deceased into pieces in the corner of the compound, packed it in a green cloth while keeping some of the parts in bags and thereafter both accused Nos.2 and 3 placed the same in the dicky and threw the same at airport junction on NH-16. Basing on these allegations the above case came to be registered.

The allegations made against the petitioner are that she is the mother of one Valluri Sravani, who is alleged to have purchased the property from one Vemagiri Ganga, who claiming herself to be the wife of the deceased, executed a registered sale deed in favour of Valluri Sravani through accused No.8, who is the Power of Attorney Holder. On coming to know about the same, the deceased is alleged to have lodged a report against Vemagiri Ganga, which came to be registered as Crime No.388 of 2013. The averments in the charge sheet disclose that accused Nos.1 and 8 are alleged to have conspired and pursuant to their conspiracy they along with other accused have done away with the life of the deceased.

Learned Public Prosecutor on instructions submits that except the confession of co-accused there is no material connecting the petitioner with the crime. He further submits that since the petitioner is the beneficiary, the request for anticipatory bail cannot be considered. But as stated above, there is no material connecting the petitioner with the crime except the alleged confession. No witness has been examined to prove the alleged

conspiracy. Apart from that the deceased initiated proceedings against the alleged wife Vemagiri Ganga and Smt. Valluri Shravani, who is the daughter of the petitioner. It is also to be noted that, the petitioner who is a lady, is working as Joint Director in Agriculture Department at Vizianagaram. At the same time, it is also to be noted that Court while taking cognizance of the matter issued non-bailable warrant against the petitioner. Having regard to the said circumstances, the petitioner is directed to appear before the Court concerned within three weeks from today and make an application for recall of non-bailable warrants, in which event the non-bailable warrants issued against the petitioner shall be recalled on certain terms and conditions as the Court deems fit and proper. It is needless to mention that the petitioner shall appear before the Court on every date of adjournment.

With the above direction, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

19.02.2015
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