

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

TUESDAY THE EIGHTEENTH DAY OF OCTOBER
TWO THOUSAND AND SIXTEEN

PRESENT
HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION NO. 14214 OF 2016

Between:

Tanta Susheela & Anr. ... Petitioners

V/s.

The State of Andhra Pradesh
Represented by its Public Prosecutor
High Court of Judicature for the State
Of Telangana & Andhra Pradesh,
Hyderabad. ... Respondent
Through SHO Alladurg Police Station,
Medak district.

Counsel for the Petitioners: Sri P. Chenchu Ramaiah

Counsel for the Respondents: Public Prosecutor [AP]

The court made the following: [order follows]

HONOURABLE SRI JUSTICE SURESH KUMAR KAITCRIMINAL PETITION NO. 14214 OF 2016ORDER :

This Criminal Petition is filed by the petitioners/A-1 and A-2 under section 437 and 439 Cr.P.C. seeking to enlarge them on bail in Crime No. 98 of 2016 of Alladurg Police Station, Medak district, registered for the offences under section 302 and 201 of IPC.

2. Appeared none on behalf of the petitioner on 06/10/2016, so is the position today. This Court has no option but to dispose of this Criminal Petition.

3. It is averred in this criminal petition that the brother of the petitioner got first marriage with Yesamma. After some days she left him. Thereafter, his brother got second marriage with Susheela [A-1], they had nine years daughter by name Pebbiba. Since 17 days i.e., on 15/9/2015 his brother did not appear. Thus, the defacto complainant, his family and relatives asked Susheela about the brother of the petitioners, she informed that his brother went to Hyderabad for work. Even after completion of one week, again Susheela told his brother is working at Pune. In the absence of his brother, A-2 by name Chintalagattu Kumar son of Kanakaiah was staying in his brother house. On 04/10/2015 at about 07:00 a.m., the defacto complainant and his son went to his brother's house and questioned brother's wife, Susheela. She informed that she and Kumar [A-2] might have killed the deceased by strangulating with rope and dug a pit besides the Church and silted the body. Forthwith the defacto

complainant and his village person by name Kormini Prabhakar reached there. In the meanwhile, they fled away. As they observed and excavated, they found the dead body of his brother in Church premises. His brother's wife, Susheela has illicit intimacy with Kumar and knowing that they threatened Kumar, as such, the brother of the defacto complainant was obstructing their illicit relation, therefore, they killed.

4. It is submitted in the instant petition that the deceased person has got married petitioner No.1 by hiding the issue of first marriage. When the petitioner No.1 questioned the deceased person about the first wife and not taking divorce, the deceased used to beat the petitioner No.1. Unable to bear the torture of the deceased, the petitioner No.1 left the deceased.

5. For the relief sought in the present petition, the petitioners filed CrI.MP.No. 706 of 2016 in VIII Additional District and Sessions Court, Medak district. The same was dismissed by recording that the application filed by the petitioners was third bail application, finding that on perusal of CD file, it shows that A-1 and A-2 killed the deceased, dug the pit and put the dead body of the deceased Tonta Narsimulu @ T.S. Das and the allegations are directly pointing out against the petitioners/accused. Mere filing the charge sheet is not the ground to enlarge the petitioners on bail. In the result, the petition is dismissed.

6. Keeping in view of direct serious allegations against the petitioners and the gravity of seriousness of the offences, I hereby decline to admit the petitioners on bail.

7. Accordingly, this Criminal Petition is dismissed.

8. As a sequel, miscellaneous petitions if any, pending in this criminal petition shall stand closed.

JUSTICE SURESH KUMAR KAIT.

18/10/2016
I s L



HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION NO. 14214 OF 2016



Date: 18/10/2016
Circulation No.
Court Master: I s L