

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.12680 OF 2016

ORDER:

The present Criminal Petition came to be filed by the petitioner/A.2 under Section 438 Cr.P.C., seeking release in the event of his arrest in Crime No.19 of 2016 of Yatapaka Police Station, East Godavari District, registered for the offences punishable under Sections 302 and 201 IPC.

2. The case of the prosecution is that on 06.04.2016 at 9:00 A.M., the VRO, Pitchukulapadu Village, lodged a report stating that an unknown male dead body aged about 25-35 years was found lying in the Thunikicheruvu forest area in highly decomposed and mummification state. Basing on the said report, a case in Crime No.19 of 2016 under Section 174 Cr.P.C., (Death of cause not known) of Yetapaka Police Station was registered and investigated into. During the course of investigation, the Sub-Inspector of Police held inquest over the dead body of the deceased and got conducted autopsy by the Medical Officer, Nellipaka Village and thereafter, the dead body was buried by the side of scene of offence. Later, the Sub-Inspector of Police, got published the details and photographs of the un-identified dead body in both print and electronic media. On observation of the news item, one Chennuri Lakshmi, who is mother of the deceased, along with other relatives rushed to Yetapaka Police Station and identified the shoes and clothes in the

photographs of the deceased as belonging to her son Chennuri Shankar. On that, the Sub-Inspector of Police, took all the relatives to the scene of offence, where the dead body was buried and got exhumed the dead body in the presence of mediators and it was identified by her that the dead body belongs to her step son Chennuri Shankar. Basing on the statement of Chennuri Lakshmi, the Sub-Inspector of Police, issued express FIR by altering the Section 174 Cr.P.C., to 302 and 201 IPC on 07.04.2016 at 3:00 P.M. During the course of investigation the identity of A.1 to A.4 was established and A.1, A.3 and A.4 were arrested basing on credible information. On interrogation, they are alleged to have confessed about the commission of offence with the help of the petitioner, who appears to have played an active role in the said incident.

3. Learned counsel for the petitioner mainly submits that even accepting the alleged confession made by A.1, A.3 and A.4 to be true, there is no material on record connecting the petitioner with the present crime and that he is innocent of the offences alleged.

4. Learned Public Prosecutor opposed the petition contending that though the investigation commenced with the confession, police have collected the material with regard to involvement of the petitioner in the present crime. He further submits that the circumstances relied upon by the prosecution form chain of events to connect the petitioner with the present crime.

5. As seen from the record, the case is based on circumstantial evidence apart from the confession made by A.1, A.3 and A.4. A reading of the confessional statements of A.1, A.3 and A.4 would show A.1, A.3 and A.4, on the advice of A.4, who is wife of A.1, hatched a plan to kill the deceased. On the date of incident, as a part of their vindictive plan, all the accused along with the deceased went to Pitchukulapadu road, Yetapaka Village. A.1 purchased six beer bottles, opened one beer bottle without the knowledge of the deceased and dropped six sleeping pills in it and gave the same to the deceased, whereas A.1 to A.3 consumed the normal beer. After consuming the beer mixed with sleeping pills, the deceased went into a drowsy state. At about 11:00 P.M., A.1 to A.3 shifted the deceased to Tunkikicheruvu Forest area located by the side of road and laid down in capsize position. Then, A.1 picked up a stick from forest and beat the deceased on the rear side of head. Later, A.2 and A.3 beat the deceased with the same stick till he breath last. On coming to a conclusion that he died, they dragged the dead body into bushes, and A.2 collected the cell phone of the deceased.

6. Having regard to the nature of allegations, which in my view are quite grave and serious in nature and as the investigation is at a crucial stage, I am not inclined to grant anticipatory bail to the petitioner.

7. However, in view of the representation made by the learned counsel for the petitioner that A.1, A.3 and A.4 are released on bail,

the petitioner shall surrender before the concerned Court and move an application for bail before the appropriate Court, in which event, the same shall be dealt with, in accordance with law, at the earliest.

8. Accordingly, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

Date:06.09.2016
INL

