

**THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR**

**CRIMINAL PETITION No.1381 of 2016**

**ORDER:**

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The petitioners, who are A8 and A11, filed the present application under Sections 437 and 439 of the Code of the Criminal Procedure (Cr.P.C.), seeking enlargement on bail in Crime No.192 of 2014 of Unguturu Police Station, Krishna District, registered for an offence punishable under Section 302 read with Section 34 of IPC.

The case of the prosecution is as under:

All the accused except A-7 to A-19 are inter-related and residents of Pinakadimi village, Pedavegi Mandal of West Godavari District. A-7 to A-19 are the residents of Kalyanapuri, New Delhi and are habitual offenders of bodily offences. They are Rowdy sheeters and hired killers of various police stations.

One Gandham @ Gandhodi Nageswara Rao resident of Pinakadami village of Pedavegi Mandal, West Godavari District is the first deceased, whereas Gandham @ Gandhodi Marraiah of same village is the second deceased. Gandham @ Gandhodi Pagidi Marraiah is the third deceased in this case. D-1 is the father of D-2 and D-3 while L.W.42 is the wife of the first deceased and mother of D-2 and D-3. L.W.45 is the wife of the third deceased. One Turapati Naga Raju is the son-in-law of 1<sup>st</sup> deceased while Turapati Siva Krishna is the son of Turapati Naga Raju and grandson of 1<sup>st</sup> deceased. One late Bhuttam Durga Rao who is the brother of A-1 and A-2 is the deceased in Crime No.83 of 2014 of Pedavegi Police Station of West Godavari District registered for the offence punishable under Section 120-B and 302 read with 34 IPC. D-2 and D-3 are A-8 and A-9 in the above case. One Turapati Uma Devi, who is the daughter of A-2 fell in love with one T.Siva Krishna, who is A-4 in Crime No.83 of 2014. When the parents

of Bhuttam Uma Devi i.e., A-2 was not interested to celebrate her marriage with Siva Krishna, Bhuttam Durga Rao who is the brother of A-2 celebrated the marriage of Bhuttam Uma Devi against the wishes of her parents. Since then disputes arose between the two families.

During the panchayat elections of Pedavegi village, the deceased and Turapati Naga Raju supported Pamarthi Venkateswara Rao whereas A-1 and A-2 supported Pamarthi Ganga Raju to the post of Sarpanch of the village. However, there was a compromise and at the time of withdrawal, the candidate supported by A-1 and A-2 promised to pay Rs.3 lakhs to the candidate supported by the deceased but failed to keep up his promise. While things stood thus, Turapati Siva Krishna who is the grand son of D-1 subjected the daughter of A-2 to physical and mental cruelty which lead to registration of Crime No.42 of 2009 for the offences punishable under Sections 498-A and 307 read with 34 IPC. Similarly, a case in Crime No.151 of 2013 of Pedavegi Police Station came to be registered for an offence punishable under Section 324 read with 34 IPC on the basis of a report given by Durga Rao. On 06.04.2014 D-2, D-3, Turapati Naga Raju and his sons Siva Krishna and Chiranjivi conspired with the hired killers from Mumbai and caused the death of Bhuttam Durga Rao who is the brother of A-1 and A-2. After the murder of Bhuttam Durga Rao the family members and their close associates who are A-1 to A-6 and A-20 to A-44 developed grouse against the deceased. Accordingly at the time of obsequies of Bhuttam Durga Rao, they are alleged to have convened a meeting at the burial ground and conspired to do away with the life of the deceased. A-5 with the active support and instigation of A-1 to A-6 and A-20 to A-44 approached A-12 to A-17 through A-18 at Delhi and pursuant thereto hired them. Subsequently, as per the plan the hired killers came down to Hyderabad and were provided with arms. On 26.08.2014 D-2 and D-3 were granted bail by the Sessions Court, Eluru in connection with Crime No.83 of 2014 of Pedavegi Police Station. Thereafter the accused

planned to do away the life of the deceased while they were returning to their village from Jail. But apprehending danger to their lives, the deceased stayed at Athidi lodge at Eluru.

On 23.09.2014 A-1, A-3 to A-6, A-20 to A-44 along with A-8 to A-11 after due deliberations with A-2 through phone and other electronic device hatched a plan to do away with the life of the deceased while he proceeds from Gannavaram Air Port to Eluru. In pursuance of their pre-arranged plan and in continuation of their pre-existing conspiracy to murder the deceased, on 23.09.2014 A-24 and A-27 purchased a used pulsar motorbike with registration No.A.P.27-AS-3400 from L.W.11-Manikanta Finance Auto Mobile Agency at Eluru.

In pursuance of the plan, on 23.09.2014 A-7 to A-11 along with A-5, A-6 and A-21 to A-23 went to Gannavaram Air Port from Hanumanjunction and Eluru, on an assumption that the 2<sup>nd</sup> and 3<sup>rd</sup> deceased would be coming from Mumbai to Vijayawada in the evening flight. But their attempts got failed as D-2 and D-3 never came to Vijayawada on that day. Again on 24.09.2014 A-21 to A-23 came to Gannavaram Air Port in a Car along with other hired assassins and laid a watch at the Gannavaram Air Port parking area as per their plan. The first deceased went to I Town Police Station, Eluru, got influenced the then Inspector of Police and took L.Ws.2 and 3 who are the police constables, to accompany him to Gannavaram Air Port and from there to Eluru Court. The Inspector of Police is alleged to have provided two constables to the 1<sup>st</sup> deceased as escort, un-authorizedly, without maintaining any records and without any authority. Thereafter D-1 hired Tavera Car bearing No.A.P.2-Y-0500 from L.W.41 from SVS Travels driven by L.W.1. First deceased and L.Ws.1 to 3 came to Gannavaram Air Port on 24.09.2014 at about 9.45 a.m., to receive the second and third deceased. At about 9.45 a.m., the second and third deceased came from Mumbai and they sat in the middle seat of the Car

where as L.Ws.2 and 3 Police Constables who were in civil dress sat in front seat by the side of the driver. A-21 to A-23 who were waiting in the car along with A-7 and A-9 showed the deceased to them and their place of seating in the car. Thereafter, when the car of the deceased moved from Air Port, it was followed and chased in a Mahindra XUV car driven by A-11 along with A-6, A-8 and A-10, whereas A-7 and A-9 were following in a Pulsar motorbike. When the deceased crossed Gannavaram centre and reached Vege Tataiah Gardens of Peda Avutapalli village, A-11 drove the car in a high speed, overtook it and stopped the car in front of the car of the deceased, resulting in L.W.1 the driver of the car of the deceased was forced to stop the car. Meanwhile A-7 and A-9 also reached the spot. Immediately A-6, A-8 and A-10 got down from the car, while A-11 sat in the driver seat with country made pistol with a view to open fire in case his counter parts fail to execute plan and also help them to flee away from the scene of offence after executing the plan. It is alleged that A-10 fired from his pistol on 3<sup>rd</sup> deceased from the right side of the car. A-6 broke open the glasses of the car of the deceased with iron rod. A-7, A-8 and A-9 opened fire with pistol on the deceased indiscriminately from the left side of the car, pointing the deceased, resulting in instantaneous death of all the deceased. After the incident A-6 to A-11 fled away from the spot. L.Ws.1 to 3 got frightened about the incident, came down to Gannavaram centre, by boarding APSRTC bus bearing No.A.P.28-Z-5237 driven by L.W.19 in which L.W.20 was the Conductor. L.W.2 Police Constable of Eluru I Town Police Station made a call to mobile of L.W.22-P.Siva, Inspector-Writer of the I Town P.S., Eluru bearing No.9966612123 from one rupee coin box of L.W.21 bearing No.08676-252164. L.W.22 in turn gave phone to Ch.Murali Krishna, the then Inspector of Police, I Town P.S., Eluru. Immediately Sri Ch.Murali Krishna the then Inspector of Police asked L.W.2 to come over his P.S., without informing either to police or anybody as their presence was not

lawful. Basing on these allegations, the above case came to be registered.

Heard learned counsel for the petitioners and the learned public prosecutor appearing for the respondent-State.

A perusal of the material on record discloses that A8 and A11 played a crucial role in eliminating the deceased. The averments also disclose that these two petitioners were present at the scene of offence and one of the petitioners obstructed the vehicle of the deceased while he was moving out from the Airport and going towards his village. Though investigation is completed and charge sheet filed in the month of June, 2015, this Court by its order dated 30.12.2015 in CrI.P.Nos.13032 and 12263 of 2015 rejected the request of the petitioners on merits.

Since there are no changed circumstances and having regard to the gravity of the offences with which the petitioners are charged, I am not inclined to grant bail to the petitioners.

Accordingly, the criminal petition is dismissed.

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**JUSTICE C. PRAVEEN KUMAR**

18.02.2016  
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