

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION No. 14806 OF 2016

ORDER:

Vide the present petition, the petitioner/A.1 seeks a direction, thereby enlarging her on bail pending investigation, enquiry and trial in Crime No.301 of 2016 of R.G.I. Airport Police Station, Cyberabad, Hyderabad District, registered for the offences punishable under Sections 307, 302, 120-B r/w Section 34 I.P.C.

2. Learned counsel appearing on behalf of the petitioner submits that the petitioner/A.1 is innocent of the offences alleged to have charged and had falsely implicated in the present case. The *de facto* complainant, who actually lodged the report before the police, expressed suspicion over the death of the deceased. But strangely, the relatives of the deceased, i.e., his brothers, got implicated the petitioner and her family members in the case with a view to knock away the properties. It can be seen that except the so-called confession statement before the police, there is absolutely nothing on record which connects her and her family members to the alleged commission of offence.

3. Learned counsel further submits that the petitioner is a household lady, has two children and that her family is in such a trauma, as she already lost her husband and further, she is in jail.

4. Learned Additional Public Prosecutor appearing on behalf of the State, on instructions, submits that there are five accused in the present

case and A.5, who is holding all the documents of the property, is absconding. The investigation is at the advance stage. If the petitioner/A.1 is released on bail, she may tamper with the evidence and influence the witnesses. Thus, the present petition may be dismissed.

5. As per the remand report dated 11.08.2016, it is stated that during investigation, L.W.15 has examined and recorded the detailed statement of the petitioner/A.1. During investigation, on 10.08.2016, the police received credible information that the petitioner/A.1 along with A.2 to A.4 were gathered at the house of A.5 situated at Farooqnagar, Falaknuma, Hyderabad. Immediately, the deputed police staff rushed to the spot, apprehended the petitioner/A.1 and A.2 to A.4 at 16-30 hours, brought them to the police station and produced before L.W.17. On thorough investigation, the petitioner/A.1 and A.2 to A.4 confessed to have committed this offence and admitted their guilt, secured the presence of two mediators, i.e., L.Ws.12 and 13, recorded the detailed confessional statements of petitioner/A.1 and A.2 to A.4, one after the other.

6. In pursuance of the confessions made by the petitioner/A.1 and A.2 to A.4, some cell phones, i.e., Micromax and Samsung black colour, from the possession of the accused were seized. About 11 months ago, the deceased returned from Dubai. The deceased along with younger brother of A.1 performed the business of goats during the month of Bakrid and incurred loss and thereafter, the deceased and L.W.3 performed the business of flowers. Due to loss in the business, the deceased addicted to liquor heavily and started harassing the petitioner/A.1 mentally and physically.

Accordingly, the deceased demanded the petitioner/A.1 to bring the documents from A.5 to sell the plot situated at Bandlaguda in order to perform the business. Having vexed with the attitude of deceased, the petitioner/A.1 has narrated the same to A.4 and A.5. The petitioner/A.1, A.4 and A.5 criminally conspired and decided to eliminate the deceased. The petitioner/A.1, A.4 and A.5 narrated about the acts of the deceased to L.Ws.6 and 7, offered them to kill the deceased. L.Ws.6 and 7 refused to do so. A.2 is well acquainted with A.4 being the subscriber of the chit amount at A.4, on that A.4 contacted A.2 on his phone, called to the residence of A.5 at Farooqnagar, Falaknuma and the petitioner/A.1, A.4 and A.5 narrated about the acts of the deceased to A.2 and offered an amount of Rs.1,00,000/- for killing the deceased. On that, A.2 agreed to do so and will inform soon after consulting with A.3. A.2 has narrated the entire episode to A.3, upon which, A.3 also agreed.

7. Further stated in the report that before Ramzan month, the petitioner/A.1 has borrowed an amount of Rs.50,000/- by mortgaging her four tulas of gold ornaments and advised A.2 to come up to Darling Ice Cream Parlour at Shahlibanda for collecting the amount towards advance. On that A.2 and A.3 went to the said Ice Cream Parlour, found A.1 and A.5 were present. It is found, due to installation of CC cameras in the Ice Cream Parlour, they went to the house of A.5, where the petitioner/A.1 has paid an amount of Rs.50,000/- to A.2. The said A.2 took an amount of Rs.30,000/- and A.3 took an amount of Rs.20,000/-. A.1 further informed A.2 and A.3 that soon after eliminating the deceased, the remaining amount will be paid.

A.2 and A.3 also informed the petitioner/A.1 that they will kill the deceased after Ramzan month. As per their plan, the petitioner/A.1 along with four other accused were waiting for an opportunity.

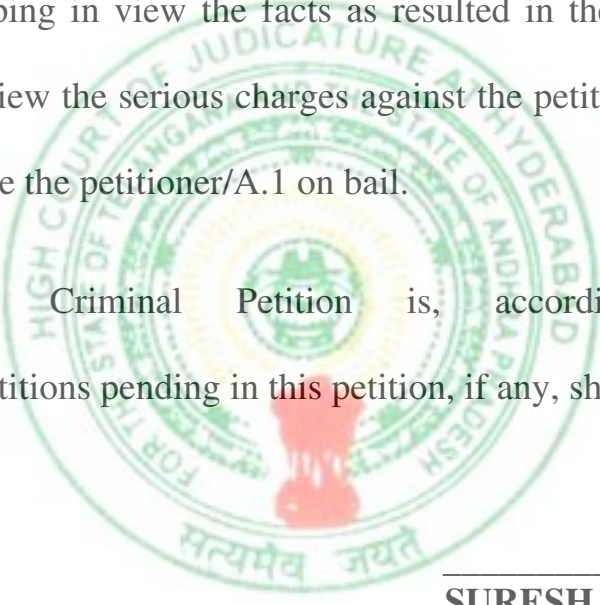
8. On 18.07.2016, the petitioner/A.1 intentionally informed the deceased that a party is interested to purchase the plot which is at Aerocity-III Venture near Jahangirpeer Dargah and will be waiting near petrol pump nearby to the residence at Falaknuma. On 18.07.2016, the petitioner/A.1 has passed on a message to A.2 over phone about the movements of the deceased. In the evening, the deceased left home on his red colour Pulsar motorbike bearing registration No.AP-13-M-0320 and reached to the spot near petrol pump, where A.2 and A.3 were waiting for arrival of the deceased. A.3 informed the deceased that he is the property dealer intends to see the plot and immediately A.2 and A.3 left on the bikes. The deceased and A.3 on the bike of the deceased being ridden by A.3, and A.2 followed them (deceased and A.3) on his Pulsar motorbike bearing registration No.AP-11-AC-9907. On the way, they purchased wine bottles, A.3 and the deceased had it, filled petrol in a petrol pump near Mc Donald's shop, thereafter, reached to the site and after verifying the plot, while returning to Hyderabad, on the way, purchased Royal Stag half bottle from a wine shop situated near Yes Bawarchi Hotel at Shamshabad.

9. Further stated that A.3 intentionally informed the deceased that he has to give amount to his friend near Outer Ring Road at about 22-00 hours. Accordingly, reached to the spot situated near R.K.Venture, Kothwalguda village, beside service road, where A.2 and A.3 administered

the wine to the deceased and A.3 acted as he also had. When the deceased fell unconscious, taking advantage, A.3 put down the deceased on ground. Immediately thereafter, A.2 took a boulder and thrown it on the head of the deceased, in turn, A.3 took the said boulder and thrown on the head of the deceased resulting the deceased has sustained severe bleeding injury on his head. A.2 and A.3 informed the petitioner/A.1, A.4 and A.5 that they have killed the deceased and went to the residence of A.5, where collected an amount of Rs.30,000/-, in which A.2 and A.3 shared equally.

10. Keeping in view the facts as resulted in the investigation and also keeping in view the serious charges against the petitioner/A.1, I am not inclined to enlarge the petitioner/A.1 on bail.

11. This Criminal Petition is, accordingly, dismissed. Miscellaneous petitions pending in this petition, if any, shall stand closed.



SURESH KUMAR KAIT, J

DATE : 24.10.2016

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