

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.2890 OF 2017

ORDER:

This criminal petition, under Sections 437 and 439 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed by the petitioner/ Accused to enlarge him on bail in Crime No.50 of 2017 of Ghanpur (W) Police Station, Warangal District, registered for the offences punishable under Sections 120-B, 364, 302 read with 34 of the Indian Penal Code, 1860 (for short 'I.P.C.'), as he is in judicial custody from 15.03.2017.

The case of the prosecution, in brief, is that the petitioners allegedly with a pre-plan to murder Shivarathri Mallaiah, kidnapped him and shifted to outskirts of the Village Waddergudem H/o.Pallagutta Village, Warangal, the petitioners along with A.1 and A.2 with a common intention brought him to the leased agriculture lands at Pallagutta, attacked at the agricultural crop field of the deceased, of which A.5 beat on the neck of the deceased from his behind, due to which the deceased fell down and became unconscious. Later the petitioners along with A.1 and A.2 laid the deceased in supine position on the edge of paddy crop field, A.3 caught hold of legs, A.5 caught hold of hands and A.2 caught the head of the deceased and then A.4 beat the deceased on his head about 2 to 3 times with an iron rod and A.2 cut the copper amulet thread from the neck of the deceased and at last A.4 stabbed on the throat of the deceased with same iron rod, due to which he sustained bleeding injuries and succumbed. On the strength of the same, the police registered the crime and issued F.I.R.

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According to the counsel for the petitioners, the petitioners are no way concerned with the offence and they are in judicial custody since long time, inspite of completion of major part of the investigation, and prayed to enlarge the petitioners on bail.

The Public Prosecutor for the State of Telangana would contend that A.1 was still absconding, and in case the petitioners were enlarged on bail, the chances of arrest of A.1 and A.2 are bleak and prayed to dismiss the petition.

As seen from the material on record, A.4 and A.5 played major role being hired assassins, A.3 is the brother-in-law of A.1 and the specific role played by each of the accused, *prima facie*, shows their involvement in the murder of Shivarathri Mallaiah, after his kidnap and the way in which they caused injuries and killed itself suffice to conclude that they murdered Shivarathri Mallaiah after his kidnap with a pre-plan. The investigation is not yet completed, however A.1 is still absconding according to the Public Prosecutor. In case the petitioners are enlarged on bail, it is difficult for the investigation agency to effect the arrest of A.1 and the possibility of interference of the petitioners with further investigation cannot be ruled out. Hence, I find no ground to enlarge the petitioners on bail at this stage. Consequently, the criminal petition is liable to be dismissed.

In the result, the criminal petition is dismissed.

M.SATYANARAYANA MURTHY, J

13.04.2017
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