

**IN THE HIGH COURT OF JUDICATURE, AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH**

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION NO. 3804 OF 2017

DATE: 06.06.2017

Between:

Mandagiri Ranganayakulu S/o Nadipi Rangaiah and three others

....Petitioners

A n d

The State of Andhra Pradesh, represented by its Public Prosecutor,
High Court of Judicature at Hyderabad.

....Respondent

Counsel for petitioner: Dr.Challa Srinivas Reddy

Counsel for respondent: The Public Prosecutor (AP)

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO**CRIMINAL PETITION No.3804 of 2017****ORDER:**

This petition is filed under Sections 437 and 439 Cr.P.C by petitioners/A2 to A5, seeking regular bail in Crime No. 225 of 2016 of Giddalur Police Station, Prakasam District. The accused allegedly committed offences under Sections 302 & 201 IPC.

2. The prosecution case briefly is that the accused and the deceased on the belief that there was a golden treasure beneath a big boulder started digging the boulder and after digging for some time, on the advice of local geologist, they wanted to further dig the boulder after four months. While so, on 19.11.2016, A1 informed the other accused that the ditch appear to be larger than what it was while they stopped digging, thereby, suspecting that somebody has dug ditch further and snatched away the gold treasure. Thus, the accused concluded that the deceased must have done the said mischief and questioned him and demanded him to give their shares. In that context, some controversy occurred. A1 conducted a meeting with other accused at his house and all the accused went to the field of deceased and met him and woke him up and questioned him about their share in the gold, suspecting that he had taken

away the gold. In that milieu, an altercation took place and A1 hacked deceased with axe and other accused inflicted fatal blows on the body of the deceased causing his instantaneous death. A6 being in Ayyappa Deeksha did not participate in the murder but he stood few yards away from the scene and encouraged others. After the incident, the accused went to the field of A6 and secreted weapons. Upon the alleged extra judicial confession of A3, the police registered a case against other accused and the investigation is reported to be pending.

3. Seeking bail, learned counsel appearing for petitioners while denying FIR allegations would submit that except the alleged extra judicial confession of A3, there was nothing on record to connect petitioners/A2 to A5 with the offence and petitioners have already been in custody since 16.4.2017 and investigation is almost completed and filing of charge sheet is a formality and considering these facts bail may be granted to them.

4. While opposing the bail, learned Additional Public Prosecutor would submit that the investigation gained momentum duly after the extra judicial confession of A3, it is in the crucial stage, and at this stage, if bail is granted, the accused may meddle with investigation and tamper the evidence. He, thus, prayed dismissal of bail application.

5. A perusal of CD shows that on the complaint given by the wife of the deceased, initially the police registered a case in Crime No. 225 of 2016 against unknown persons and later on the alleged confessional statement of A3, registered a case against the accused and started investigation in those lines. CD file shows that so far 18 witnesses were examined by the police and still investigation is pending and charge sheet is not filed.

6. In a case of this nature, where the Police upon getting some breakthrough by the confessional statement of A3, commenced investigation, it will take some time to complete the investigation. At this stage, if bail is granted to the petitioners/A2 to A5, it would interdict the investigation.

7. It is brought to the notice of this Court that in Crime No. 225 of 2016, the trial Court granted anticipatory bail to the petitioner/A6. However, the bail was granted to him on the consideration that no specific overt acts were attributed against him. However, so far petitioners /A2 to A5 are concerned, their participation was spoken to in the confessional statement and investigation in that regard is still pending. As the matter stands, it is not a fit case to grant bail to petitioners/A2 to A5.

8. Accordingly, Criminal Petition is dismissed. As a sequel there to, miscellaneous applications, pending if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 06.06.2017
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