

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.3568 OF 2018

ORDER:

Petitioner, who is A2 in Cr.No.20 of 2018 on the file of the Station House Officer, Nalgonda II Town Police Station, registered for the offence punishable under Section 302 r/w 34 IPC, filed this petition under Sections 437 and 439 Cr.P.C. seeking regular bail.

2. Heard learned counsel for the petitioner, learned Additional Public Prosecutor representing the State of Telangana and perused the record.

3. The case of the prosecution is that it is a brutal murder of a Councilor belonging to political party at Nalgonda. Initially, the accused were followers of one Srinivas (hereinafter referred to as 'the deceased'), who is the husband of L.W.1-Boddupally Laxmi and also 8th ward Councilor of Municipality since 2000 and contested as a candidate of Congress I party. A1 to A5 canvassed in favour of the deceased, but the deceased was defeated. In the year 2014, Laxmi contested as ward Councilor from 8th ward of Nalgonda town from Congress I party. A1 to A5 canvassed sincerely, resulting in Laxmi elected as ward Councilor. Later Laxmi elected as Nalgonda Municipality Chairperson. Thereafter, some disputes arose between them. While so, on the date of death, A1 caught hold of the color of the deceased and the deceased caught hold of the color of A1 and pushed him aside. A1 and the deceased fell into the drainage. Thereupon, A2 to A5 pulled them from drainage. Immediately, the deceased, who came out from the drainage took a small stone and thrown on A1, but A5 who entered into quarrel received injury on his head. Later A2 to A4 are engaged with A5, again A1 and deceased picked up quarrel

and caught hold of collar, overturned and fell down into the drainage on other side of the road. A1 caught hold of the neck and testicles of the deceased. In the meanwhile, the deceased caught hold of the neck of A1. A1 shouted loudly due to scuffle between them. On hearing the sound, A2 picked up one boulder and thrown on the head of the deceased. Then A1 to A5 with an intention, decided to kill the deceased due to previous grudges. If the deceased is alive, he will put an end of his life. Then A1 picked up the same boulder and hit on the face of the deceased twice. Again A2 thrown another cement boulder and hit on the chest of the deceased. Meanwhile, A1 beat the deceased with a cement boulder on his head, which resulted in death. Thus, A1 to A5 committed murder of the deceased.

4. The specific overt-acts attributed against this petitioner-A2 are clear that he thrown boulder on the head of the deceased and again a cement boulder on the head of the deceased, which caused his death.

5. Learned counsel for the petitioner submits that the entire investigation is completed and therefore, question of interference of this petitioner with further investigation does not arise. Due to political grudge, the petitioner was implicated in this case and prays to enlarge the petitioner on bail.

6. On the other hand, learned Additional Public Prosecutor opposed the petition on the ground that investigation is not completed and that this incident had occurred due to political faction. The petitioner may influence the witnesses in case of his release on bail and therefore, at this stage, the petitioner is not entitled for bail and prays to dismiss the petition.

7. It is an undisputed fact that due to scuffle between the accused and the deceased and died, it is an unnatural death. The contention of the learned counsel for the petitioner is that the deceased himself was the aggressor and on account of catching hold of color of A1, quarrel multiplied between A1 and the deceased and in the heat of passion, the alleged incident took place. At this stage, it is difficult to accept the contention of the learned counsel for the petitioner that the deceased was the aggressor of A1 and on that ground, the petitioner cannot be enlarged on bail. It is an undisputed fact that due to political faction, the incident took place. In such a case, the possibility of influencing the witnesses proposed to be examined by the prosecution in the crime cannot be ruled out. Therefore, taking into consideration, the facts and circumstances of the case and stage of investigation including gravity and seriousness of offence, I find that it is not a fit case to grant bail to the petitioner at this stage. Therefore, the petition is devoid of merit and is liable to be dismissed.

8. Accordingly, the Criminal Petition is dismissed. However, the petitioner-A2 is given liberty to renew his request at appropriate time.

M.SATYANARAYANA MURTHY, J

DATED: 29-03-2018.

Hsd