

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 4942 OF 2018

ORDER:

This petition is filed, under Sections 437 and 439 of the Code of Criminal Procedure, 1973, for grant of bail to the petitioners-accused Nos. 1 and 2 in Crime No. 2 of 2018 of Hukumpeta Police Station, Visakhapatnam District, registered for the offence punishable under Section 302 read with Section 34 of IPC.

2. Heard learned counsel for the petitioners and learned Public Prosecutor (A.P.).

3. The case of the prosecution in nutshell is that on 08-02-2018 at 18.00 hours, one Gemmili Kesamma-the *de facto* complainant, wife of the deceased Gemmili Jagga Rao, lodged a report with the police alleging that on 07-02-2018 at 9 a.m. while she was at home, petitioner No. 1 and one Vemula Sudhakar of Arlada Village came to her house and enquired about her husband, for which she replied that her husband was at a marriage function in the village and in the meanwhile, her husband came and all of them left the house on her husband's bike stating that they were having some work; that in the afternoon of the same day, she saw Sudhakar at marriage function and asked him about her husband, for which the latter replied that her husband and one Konda Babu of Bisaiputta and Trinath of Nakkalaputtu Village went somewhere; that even in the night also, her husband did not return; that on 08-02-2018 at about 10 a.m. while she was at home, her villagers Chintha

Tulasamma came and informed her that her husband was murdered by somebody and the dead body was lying at Matsyapuram School Building, Kotnapalli Panchayat, Hukumpeta Mandal and that immediately, she along with her family members reached there and found the dead body of her husband lying in the blood pool with wounds.

4. Learned counsel for the petitioners submits that the petitioners had no intention to kill the deceased and they went to the scene of offence only on the promise made by the deceased to provide girls for their enjoyment; that the petitioners did commit no offence much less the above offence and that they have been languishing in jail since 14-02-2018.

5. Learned Public Prosecutor has opposed the petition on the ground that the petitioners and others committed brutal murder of the deceased having consumed alcohol and that so far, the investigating agency examined 18 witnesses and awaiting for R.F.S.L. report to complete the investigation.

6. As seen from the material on record, the husband of the *de facto* complainant collected money from the petitioners and others on the pretext of providing girls to them for satisfying their lust. On the date of incident, the petitioners and others purchased Brandi, Whisky and Beer bottles, went to the scene of offence and the deceased also went there. While consuming alcohol, there was some altercation between the deceased and the petitioners with regard to failure of the deceased for supplying girls to the petitioners having collected money from them and caused brutal murder of the former by pushing his

head to a wall. The material on record directly points out the complicity of the petitioners in the commission of the above offence. Hence, I find no ground to enlarge the petitioners on bail at this stage.

7. The criminal petition is accordingly dismissed. Pending miscellaneous petitions if any shall stand dismissed in consequence.

M.SATYANARAYANA MURTHY, J.

02-05-2018.
JSK

