

**HON'BLE DR. JUSTICE B.SIVA SANKARA RAO**

**CRIMINAL PETITION No.6178 OF 2018**

**ORDER:**

The petitioner is the accused in Crime No.109 of 2017 of Jangareddy Gudem Police Station of West Godavari District covered by P.R.C. No.13 of 2018 committed for the offences punishable under Sections 302 and 379 of I.P.C.

The petitioner filed the regular bail application saying he is in judicial custody since 12.04.2018 and it is a false implication and he is innocent and there is no material to show that he committed any theft or committed murder for gain or for theft of the jewellery on the person of the deceased by killing her.

The case of the prosecution from the F.I.R. dated 21.03.2017 at about 01:30 A.M. shows that first informant Appanna Durgarao, a resident of Srinivasapuram village, that among his wife, son and married daughter, residents of the same village; son Nagarjuna also residing with his wife and children in same house in the village. On 20.03.2017 morning his wife Satyavathi and son Nagarjuna went to the neem garden at Tekulakunta. His son Nagarjuna took Satyavathi on his vehicle to the field and after dropping Satyavathi there, his son Nagarjuna went to some other village on his personal work. Later, when came back, found at 03:00 P.M. in the afternoon of the dead body of Satyavathi fallen lying at the neem garden and he called his brother-in-law Venkateswara Rao and also nearby persons and she breathed the lost and suspecting somebody committed murder for gain by looting the wearing apparel of her.

The crime registered was, as referred *supra*, on 21.03.2017 and in the course of investigation, the Police also collected call data, and the

medical opinion of L.W.11 Dr.S.S.R.A. Swamy discloses the death was “*asphyxia due to strangulation*” and as it is a murder for gain from the call data they examined, particularly, L.W.10; leave about re-examination of other witnesses including the informant, and it discloses soon after the alleged commission of the offence, the accused chosen to give that wearing apparel of the deceased to L.W.10 to pledge somewhere and to take the amount due to her and give the remaining.

No doubt, as pointed by the learned counsel for the petitioner, even from the investigation material covered by the Police final report, there is a delay in examination of L.W.10, if at all she knows acquaintance of nearly 8 months after the occurrence for her non disclosure. In fact, that is not the only basis and there is call data information also to correlate; thereby, there is a *prima-facie* application of pre-planned and brutal murder for gain, leave about the accused earlier also involved for the offence under Section 302 R/w.201 I.P.C. of Devarapalli Police Station in Crime No.48 of 2012, as per the charge sheet averment, which is still pending for trial.

Taking into consideration of these facts and, from the propensity of crime and its perpetration and in the larger interests of society to be given, considering the qualified personal liberty of the accused, he no way deserves the concession of bail. Accordingly, the Criminal Petition is dismissed.

In consequence, miscellaneous petitions, if any, pending in this Petition shall stand dismissed.

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**Dr. B.SIVA SANKARA RAO, J**

Date: 26.06.2018.  
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