

* THE HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.7461 of 2018

%08.08.2018

Between:

Mutyala Madhusudana Rao @Madhu

.. Petitioner

And

State of Andhra Pradesh
Through SHO, Orvakal Police Station
Kurnool District
Rep. by its Public Prosecutor

.. Respondent

Counsel for the Petitioner : Sri Vikas Joshi

Counsel for the respondent : Special Assistant Public
Prosecutor

< Gist :

> Head Note:

? CITATIONS:



HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO**Criminal Petition No.7461 OF 2018****ORDER:**

The petitioner is A4 among six accused in Crime No.23 of 2018 on the file of the Station House Officer, Orvakal Police Station, Kurnool Disttict. Originally on 25.01.2018 the crime was registered as if the accidental death of K.Srinivasulu (deceased) for the offence punishable under Section 304-A IPC from the written complaint of Pasupula Ramana-A6 as the *de facto* complainant.

2. Heard the learned counsel for petitioner and the learned Special Assistant Public Prosecutor representing the State of Andhra Pradesh and perused the material on record.

3. During the course of investigation revealed it is a pre-plan brutal murder of the deceased and a false report given by the accused persons using A6 as if it is the accidental death to screen the evidence and escape from the clutches of law. Undisputedly, A1 by name Arveti Ramesh is no other than the brother-in-law of deceased, A3 is wife of A1, and A2 is no other than the wife of deceased and sister of A1. As per the prosecution case, from the said investigation revealed as A4, who is the present petitioner for anticipatory bail by name Mutyala Madhusudana Rao @ Madhu having elopement with A2 even during life time of deceased Srinivasulu. The investigation revealed from the privy and pre-concert to the nefarious plan crime among the accused to eliminate the deceased with different motives to continue the illicit relationship between A2 and A4 on one aspect, several insurance policies taken in

the name of the deceased to gain benefit therefrom particularly by A1 to A4 on another aspect, and to show as an accidental death to further claim as an insurance of the road accidental claim and with that privy they hired A5 & A6 to murder the deceased and create as if the accidental death; and it is part of that from the investigation revealed about they pushed the deceased on seeing the Eicher vehicle coming, from which the vehicle knocked him and died instantaneously and as per the pre-plan, A6 given the report as if he is the eye-witness of the accidental death by conciliation of their murder as per the pre-plan.

4. The contentions in the present anticipatory bail application by A4, having went unsuccessful earlier in Crl.M.P.No.1053 of 2018 passed by the learned IV Additional District & Sessions Judge, Kurnool by order dated 04.07.2018, are that the petitioner-A4 is falsely implicated and he has no connection with any of the accused to the crime and the alleged illegal intimacy between A2, wife of the deceased, and the petitioner-A4 is a created story and there is nothing for him of any remote chance to have privy with other accused particularly because of the monetary disputes between A1 and A4, from which A4 already filed a cheque bouncing case against A1 and his business entity Sri Chakra Agencies covered by C.C.No.283 of 2017 before the learned Judicial First Class Magistrate, Giddalur dated 10.05.2017 and the so-called vehicle as if arranged by A4 is also another false story for not even the vehicle of A4 and thereby, he is entitled to the concession of bail and the learned Sessions Judge did not advert to these facts in detail in dismissing the same by order running in three pages.

5. In fact, in the order of the learned Sessions Judge supra at paragraph No.5, it is mentioned the friendship between A1 & A5-Yasin with other accused, and A1, A5 & A6 and the deceased started in Kurnool to go to Yaganti in Mahindra XUV 500 vehicle and when reached Chennamchetti Palli Village, A1 informed that he had forgotten his purse in the lodge where they stayed and went back, and at that time the deceased who was with A1 & A5 got down from the car and chitchatting for return of A1, and it is whileso at 5.00 A.M. when the deceased after attending the nature calls while returning, one Eicher vehicle driven by its driver, alleged as per the original F.I.R. of A6, has knocked him. However, later in the course of investigation A5 & A6 confessed before the V.R.O, Orvakal-LW.11 of the above pre-concert and pre-plan they killed the deceased by pushed to knock down under the vehicle on seeing its coming as per the plan with A1 to A4 as part of their conspiracy and created a scene as if it is the accidental death and it is in turn the V.R.O. produced A5 & A6 before the Circle Inspector of Police and they also made their disclosures including the illicit relationship between A2 & A4 and the facts referred supra and also to have the benefit of the insured amount of Rs.4.00 Crores on the life of the deceased and the main master mind behind are A1, A2 & A4.

6. A perusal of the case diary shows after the occurrence the vehicle was handed over to A4 and it further shows it is part of the nefarious pre-plan the deceased was killed by creating as if the accidental death. Once such is the case, it is difficult to expect that A4 gives his vehicle standing in his name in implementation of the plan. The other important

aspect revealed from the prosecution case including from the statement of the brother of deceased (LW7) apart from the cell phone movements/call data during 24.01.2018 and 25.01.2018 in particular of the calls made by A6 to A4 (petitioner) and the presence of A4 also at the Post-Mortem examination at Kurnool Hospital from the calls between A1, A4 & A2. Once such is the case, merely because there is a cheque bouncing case it cannot be said there is no possibility of their settling issues or arrange the plan for nothing impossible with the circumstances are showing possibility. Further, the other contention of the vehicle involved not standing in the name of A4 also cannot be given credence in view of the above.

7. Having regard to the above, it shows the petitioner-A4, also privy to the brutal murder of the deceased from the investigation material, is not entitled to the concession of bail much less the anticipatory bail now sought.

Accordingly, this Criminal Petition is dismissed.

Dr. B. SIVA SANKARA RAO, J

08.08.2018
MVA