

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.8274 of 2018

ORDER :

The petitioner is A1 among ten accused in Crime No.665 of 2017 on the file of the Machavaram Police Station, Vijayawada Commissionerate, Krishna District. The crime is registered for the offences punishable under Sections 302, 148 r/w 120-B r/w 149, 34 & 109 IPC. The petitioner-A1 was arrested and is in judicial custody since 14.12.2017.

2. The sum and substance of the accusation from the report of *de facto* complainant, wife of the deceased-Kalidasu Subrahmanyam @ Vemuri Subbu of Vijayawada, is that A1 belongs to YSRCP Party and his wife is Councilor of 39th Ward, Tenali and close associate of late Meddisetti Krishna and there are political disputes between Venus Prasad, Raavi Ravindranath, A1-G.Surendra and Meddisetti Krishna. The deceased and his brother-Vemuri Satyam, who belongs to TDP used to support Venus Prasad, Raavi Ravindranath. On 13.04.2014, the deceased along with his brother, Vemuri Satyam and others murdered Meddisetti Krishna of Tenali, who is a friend of A1, covered by Crime No.51 of 2014 of II Town Police station, Tenali under Section 302 r/w 34 IPC. It was so, on 22.11.2015, A1 to A3, A6, A7 and others murdered the brother of deceased viz., V.Satyam @ Kalidas at Duggirala in retaliation to the murder of their friend Meddisetti Krishna, which is the subject matter of Crime No.122 of

2015 of Duggirala Police Station, registered for the offences punishable under Sections 302, 337, 506 r/w 34 I.P.C. A1 to A3 stated repeatedly threatening the deceased also to kill him and he apprehended danger to his life, shifted from Tenali to new R.R.Pet, Vijayawada. It is, there, A1 hatched a plan to do away the life of deceased with the help of A2 to A7 at Vijayawada. A10 used to inform the movements of the deceased to A1. A1 secured the weapons and came to know through A10 that the deceased attending a function at Alluri Seetarama Raju Function Hall at Satyanarayanapuram, Vijayawada on 23.09.2017, secured A9, A2, A5 to A7 and A9 shown the function hall to A2, A5 to A7 on a day prior to 23.09.2017 and A2, A3, A5 to A7 and A9 came from Tenali to the shop of A9 and from there went to Kalyana Mandapam supra, but their attempts failed and A1 kept six knives purchased from Nullakalapadu Village in a gunny bag and hide at shop of A9. Later A10 called A1 over phone and informed the movements of deceased visiting tea stall at Machavaram down. In November, 2017, A1 to A3, A5 & A6 came to Vijayawada in search of deceased, who was usually sitting at the tea stall at Machavaram down and on 03.12.2017, A1 made a call to A9, who was at Hyderabad, and asked him to come to Vijayawada. A1 secured six SIM cards through A2 and six mobile phones and on 04.12.2017 at about 10.00 P.M, they all met and hatched a plan to do away the life of deceased and A1 prepared a chart for others to implement and on 05.12.2017, A1 handed over the SIM

card and cell phone each to A5, A6 and two SIMs and mobiles to A2 and kept two mobiles and SIM cards with A1. A10 informed A1 that on 06.12.2017 the deceased would come to the tea stall as usual. A2 made a call to A8, who became friend in jail and residing at Khammam, and asked him to come to Tenali by disclosing their evil plan and A8 came to Tenali on 05.12.2017 and on 06.12.2017, A2 and A8 went on motor bike to the house of A5 and asked him to come to the Peddavadlapudi Petrol Bunk along with A3, A4 & A6 who are waiting there and A3 to A6 & A9 came to said Petrol Bunk on two bikes and came to Vijayawada, and at about 6.00 A.M. on 06.12.2017, A2 reached Jai Durga Tea Stall, Machavaram, gave a SIM card to A8 with piece company mobile asked him to make a call to him whenever Subbu (deceased) movements found and came to A9 shed and waiting there. After sometime, A7 came there on motor bike and all the while A8 informing the movements to A2 and at 11.00 A.M. A8 informed that the deceased came to Tea stall and was sitting on the cement table at the scene of offence and A2 to A7 took the knives, which are hidden in the shop of A9, and proceeded to the scene of offence on motor bikes and surrounded the deceased and stabbed to death and fled away.

3. The contention of learned counsel for the petitioner is that the petitioner is innocent and falsely implicated and there is no any disclosure or discovery of fact pursuant to the disclosure, if any, other

than under Section 25 to admit under Section 27 of the Evidence Act to show the complicity of him to the crime and thereby, he is entitled to the concession of bail. It is also the submission that A8 was granted regular bail in Crl.P.No.7988 of 2018 dated 07.08.2018.

4. Learned Special Assistant Public Prosecutor opposed the bail application of petitioner-A1 with reference to the facts and also for the reason that he is involved in as many as fifteen crimes right from 2006 till date other than the present one and some of which are the offences relating to the present including one under Section 302 IPC and mostly under Section 324 or 326 IPC, apart from six of them are under Section 109 and 110 Cr.P.C. Those crimes are either from II Town Police Station, Tenali or from Duggirala Police Station of Guntur District, but for the present one of Vijayawada Commissionerate of Krishna District. A8 is the resident of Khammam of Telangana State. The order granting bail to A8 is with specific observations regarding his limited role and to stay only in Khammam to attend Vijayawada for the Court adjournments and not to visit the places of witnesses. In the case on hand, out of 41 witnesses cited in the charge sheet that was taken cognizance and allotted P.R.C.No.66 of 2018 pending on the file of the learned I Additional Chief Metropolitan Magistrate, Vijayawada, LWs 6, 7, 8, 9, 10, 11 & 12 are the eye witnesses. The petitioner earlier went unsuccessful many times for regular bail. His concession for stop-gap bail granted for

three days once and one day once with police escort including the latest in Crl.P.No.6171 of 2018 dated 26.06.2018, of not entitled to the concession of regular bail which is after filing of the charge sheet.

5. Having regard to the above, from the entire perusal of the material including the charge sheet contained, the petitioner-A1 is the prime accused and the main privy in implementing the brutal killing of the deceased with securing of the hired escort with privy and nefarious plan and having been involved in several cases, in the larger interest of society which will not outright the personal liberty, the plea of bail sought for by him is dismissed.

6. Accordingly, this Criminal Petition is dismissed. Learned Committal Magistrate shall take steps to commit the case, if necessary, by separating from A10 in abscondance by invoking Section 317 r/w 209 Cr.P.C, so that the Sessions Case number can be allotted and hearing before charges can be undertaken for the Committal Proceedings are almost a post office duty, but for compliance of Section 209 (a) to (d) Cr.P.C.

13.08.2018
MVA

Dr. B. SIVA SANKARA RAO, J