

HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9706 of 2018

ORDER:

The petitioners are accused Nos.4 & 7 in crime No.665 of 2017 on the file of Machavaram Police Station, Vijayawada, registered for the offences punishable under Section 302 r/w 34 IPC. The police after investigation filed charge sheet against the petitioners and 8 others for the offences punishable under Sections 302, 148 r/w 120-B r/w 149, 34 & 109 IPC and the learned I Additional Chief Metropolitan Magistrate, Vijayawada, has taken cognizance for the offences supra and allotted PRC.No.66 of 2018 and committed to Sessions Court, which is not yet numbered.

Heard learned counsel for the petitioners and learned Public Prosecutor representing the State.

The sum and substance of the accusation from the report of the defacto complainant, wife of the deceased-Kalidasu Subrahmanyam @ Vemuri Subbu @ Subbu of Vijayawada is that A1 belong 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 the deceased, V.Satyam @ Kalidas at Duggirata, 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 IPC. A1 to A3 stated repeatedly threatening the deceased also to kill him and he apprehended danger to his life, shifted from Tenati to new R.R.Pet, Vijayawada. It is, there, A1 hatched a plan to do away the 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, Vijaywada, on 23.09.2017, secured A9, A2, A5 to 47 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 movements of the deceased visiting tea stall at Machavaram down. In November 2017, A1 to A3, A5 and 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 deceased and A1 prepared a chart for others to implement and on 05.12.2017, A1 handed over the sim cards and cell phones 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 Peddavadlapudi Petrol Bunk along with A3, A4 and A6 who are waiting there and A3 to A6 and A9 came to 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 shop and waiting there and after some time 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.

The learned Public Prosecutor opposed the bail application saying there is law and order problem and the accused hard core anti-social elements and bent upon taking revenge and commit similar offence and there is a threat to the lives of the witnesses.

So far as A8 concerned, no doubt this Court in Crl.P.No.7988 of 2018 dated 07.08.2018 granted regular bail subject to conditions from the observation that A.2 made a call to A.8 a friend in jail resident of Khammam and asked to go to Tenali and he came to Tenali on 05.12.2017 and 06.12.2017, A.2 and A.8 went on motor bike to the husband of A.5 and asked him to go to Peddavadlapudi with A.3, A.4 & A.6 who are waiting there and A.3 to A.6 and A.9 came to the petrol bunk on 2 bikes and came to Vijayawada and A.2 gave sim card to A.8 and asked him to make a call to him whenever deceased Subbu movements found and came to A.9 shop and waiting there and after sometime A.7 came there and A.8 informed the movements of the deceased to A.2 about his sitting about cement table at the scene of offence and A.2 to A.7 took knives hidden at the shop of A.9 and having proceeded to scene of offence on bikes and surrounded the deceased and stabbed to death.

Thus the role of A.8 is different from the role of other accused among A.1 to A.11 and so far as petitioners-A.4 & A.7 who are the residents of Guntur and Tenali respectively and

friends and both are rowdy sheeters in Machavaram Police Station and Tenali II Town Police Station respectively and A.4 is cousin of A.3, who is friend of A.1 and A.2 and it is they from that as part of their privy armed with deadly weapons brutally hacked the deceased to death with knives. Once there is prima facie accusation there are no grounds to grant the concession of bail as rightly dismissed by this Court earlier in their bail application along with other accused among A.4 to A.9 in Crl.P.Nos.5628, 5632 & 6177 of 2018 by common order dated 26.06.2018 by saying their role is entirely different to the role of A.8 and that is not ground of A8 granted bail to get any similar concession by them.

Having regard to the above and in the result, this Criminal Petition is dismissed.

Miscellaneous petitions, if any, shall stand closed.

Date: 25.09.2018
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Dr. B. SIVA SANKARA RAO, J