

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No. 2905 of 2019

ORDER:

1. The petitioners/ accused Nos.1 and 2 filed the present application under Sections 437 and 439 of Criminal Procedure Code, seeking to grant bail to them in Crime No.309 of 2018 of Paloncha Town Police Station, Bhadrachalam District, which was initially registered for an offence punishable under Section 174 of Cr.P.C. and subsequently altered to Sections 302 and 201 read with Section 120(B) IPC .

2. According to the prosecution case, the *de facto* complainant by name Bhukya Bhadri, wife of the deceased, lodged a telugu report at Paloncha Town Police Station stating that her husband grazes the cattle of Karakavagu village and he was not seen since 17.10.2018. It is stated that though she along with her brother searched for him everywhere in the village, but he was not traced. On 19.10.2018, at about 09.00 hours, the civil personnel of KTPS while removing the garbage at the locks of KTPS canal, found one male dead body, the fact of which came to the knowledge of the *de facto* complainant, upon which, she along with her brother and villagers went to KTPS canal and identified the body as her husband. Her husband does not know swimming for which she thought that her husband might have gone for bathing and accidentally fell in the water and died. The said report was lodged and a case in Crime No.309 of 2018 was initially registered for an offence punishable under Section 174 of Cr.P.C. However, subsequently the offence was altered to Sections 302 and 201 read with Section 120(B) IPC.

3. Heard learned counsel for the petitioners/ accused Nos.1 and 2 and the learned Additional Public Prosecutor appearing for the respondent State. Perused the material on record.

4. It has been submitted by the learned counsel for the petitioners that prosecution has foisted entirely false and baseless case which was invented for the purpose of registration of the case against the petitioners. The petitioners are innocent, they are not guilty and have no knowledge about the alleged offences. The police have completed the entire investigation, all the material witnesses were examined and no further investigation is left, except filing of the charge sheet. It is further stated that petitioner No.1 is a Government teacher, he has been falsely implicated in this case and since the investigation of the case is completed, further detention of petitioner No.1 would spoil his career and would result in hardship and inconvenience to the family of the petitioners. Petitioner No.2 being wife of petitioner No.1 having small children, has to look after their welfare and her further detention would cause great difficulty to their children.

5. Learned Additional Public Prosecutor vehemently opposed the bail application stating that both the petitioners along with others have planned and searched for a person to be insured and could find the deceased, who is the close relative of petitioner No.2 and insured the deceased with 17 different companies for very huge amount by obtaining bank accounts and by taking his ATM cards. After that, petitioner No.1 along with his wife – petitioner No.2 and their friend Venkata Krishna planned to do away with the life of the deceased. They also took signatures of the deceased on empty promissory notes and bond papers. Later, they approached one Rakesh, who was selling liquor in his kirana shop, requested him to provide liquor to the deceased and insisted him to kill the deceased saying that they

would give huge amount if the deceased was killed. Thereafter, according to their plan, both the petitioners and their friend hatched a plan with one Boda Krishna, who is the brother of petitioner No.2 and he along with his friend Vinod, had taken the deceased in their auto, made him drink awfully and thereafter threw him in KTPS canal near Karakavagu and informed petitioner No.1 that they finished the task. Thereafter, petitioners withdrew a sum of Rs.3 lakhs out of the seventeen policies amount which were credited in the name of the deceased. Thus, according to the learned Additional Public Prosecutor, the offences committed by the petitioners are heinous in nature and as the investigation is still going on, the petitioners are not entitled for bail.

6. During investigation it has come to the light that present accused – petitioner Nos.1 and 2 and another hatched a plan criminally and made a criminal conspiracy to do away with the life of the deceased and entrusted the task to accused Nos.4 and 5, who executed the plan of accused Nos.1 to 3. They made the deceased drink awfully and threw him in the KTPS canal near Karakavagu with an intention to screen the evidence that the deceased died out of drowning.

7. Looking into the nature of allegations levelled against the petitioners and taking into consideration the gravity of the offences, I am not inclined to release the petitioners on bail.

8. Accordingly, the Criminal Petition is dismissed.

As a sequel, miscellaneous petitions pending, if any, shall also stand dismissed.

JUSTICE G. SRI DEVI

25.06.2019
vnb

HONOURABLE JUSTICE G. SRI DEVI



CRIMINAL PETITION No. 2905 of 2019

Date: 25.06.2019

vhb