

THE HON'BLE JUSTICE G.SRI DEVI

Criminal Petition No.2936 of 2019

ORDER:

This Criminal Petition, under Section 439 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused, for grant of bail in Crime No.234 of 2017 of Chevella Police Station, Cyberabad Police Commissionerate, registered for the offences punishable under Sections 302, 379 & 201 of IPC.

2. Heard the learned counsel for the petitioner/accused, the learned Additional Public Prosecutor representing the 1st respondent-State and perused the record.

3. The case of the prosecution, in brief, is that on 07.06.2017 at about 11:00 hours, the de-facto complainant by name T.Narsimhlu has lodged a written complaint with the police alleging that 07.06.2017, at about 09:00 hours, he came to know from the Kesaram villagers that an unknown person's dead body was found at Kasula Krishnaiah Goud's agricultural fields with half of the body burnt and the remaining half was visible outside. The visible dead body did not have any clothes and is having only one leg anklet. Alleging that some unknown offender killed a female person four or five days ago and buried the dead body, the de-facto complainant lodged the subject complaint with the police requesting to take action against the offenders. Accordingly, the subject crime was registered and the petitioner/accused was arrested and remanded to judicial custody on 28.12.2017.

4. The learned counsel for the petitioner/accused would submit that the petitioner/accused is an innocent person and falsely

implicated in this case. All the allegations levelled against the petitioner are incorrect. The petitioner/accused is the resident of Anjangaon Village of Amravati District of Maharashtra State and he came to Chevella Village in search of his livelihood. There is nothing to connect the petitioner/accused with the alleged offences. Investigation is completed, charge-sheet is filed, which is numbered as P.R.C.No.13 of 2018 and the matter is pending for enquiry before the Court below and ultimately prayed to allow the application.

5. *Per contra*, the learned Additional Public Prosecutor opposed for grant of bail to the petitioner/accused contending that there is ample evidence on record to believe the version of prosecution. The petitioner/accused is a habitual offender and he is involved in several criminal cases. In view of the nature of the allegations levelled against the petitioner/accused, he is not entitled for bail under Section 439 of Cr.P.C., and ultimately prayed to dismiss the application.

6. This a case of 'murder for gain'. The material on record discloses that the petitioner/accused was arrested and remanded to judicial custody on 28.12.2017. The police recorded the confessional statement of the petitioner/accused, wherein, he voluntarily disclosed that he, along with his accomplices, went to Chevella and noticed the deceased lady, wearing gold pustelatadu, boarding an auto. Immediately, they also boarded the same auto. The deceased got down the auto at One Gate. They also got down the auto at the same place and followed the deceased. As it became dark by then, all the accused caught hold of her, shut her mouth, took her into the fields and snatched her gold pustelatadu weighing about 2 tulas from

her neck. When the deceased attempted to shout, they assaulted her due to which, she became unconscious. Later, they lit fire to her clothes in order to kill her, due to which she died. They dragged the dead body to the bank of a canal, buried the body, covered it with mud and fled away from the spot. The petitioner/accused further confessed that the stolen golden pustelatadu was kept in his house situated at the outskirts of Vikarabad.

7. Stolen articles were recovered at the instance of this petitioner/accused. The allegations levelled against the petitioner/accused are grave and the punishment prescribed for the alleged offences is stringent. The petitioner/accused is allegedly a habitual offender and is involved in several criminal cases. There is nothing to hold that the petitioner/accused is an innocent person and falsely implicated in this case. Release of the petitioner/accused on bail would hinder the investigation and there is possibility of the petitioner/accused threatening the witnesses. There are no justifiable grounds to grant bail to the petitioner/accused under Section 439 of Cr.P.C. The Criminal Petition is devoid of merit and is liable to be dismissed.

8. In the result, the Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

17th June, 2019
Bvv

JUSTICE G.SRI DEVI