

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No. 3198 of 2019

ORDER:

1. The petitioner/ accused No.2 filed the present application under Sections 437 and 439 of Criminal Procedure Code, seeking to grant bail to him in Crime No.73 of 2019 of Yacharam Police Station, Rachakonda, which was registered for the offences punishable under Sections 302 and 201 read with Section 34 IPC.

2. According to the prosecution case, on 22.04.2019 at about 01.30 hours, the complainant lodged a complaint stating that about forty years back he has migrated to Hyderabad and working as Supervisor in Haritha poultry farm at Chinthulla (v) owned by Sri Ragunath Reddy. The complainant along with his son (deceased), who is an electrician at JAMWP industry, were given shelter in said poultry farm. While things stood thus, on 21.04.2019 as it was Sunday, the deceased remained at his house. At about 02.00 p.m., his friend Suresh came to their house and his son accompanied with him at about 05.00 p.m. Both of them went on a bike saying that they are going to Chintulla village. But on the same day, at about 09.00 p.m., the complainant received information that the deceased was beaten to death by unknown persons and his dead body is lying in a pool of blood on the road which leads to poultry farm. Accordingly, the complaint was lodged to take necessary action against the assailants. Basing on the said complaint, the present crime came to be registered for the aforementioned offences.

3. Heard learned counsel for the petitioner/ accused No.2 and the learned Additional Public Prosecutor appearing for the respondent State. Perused the material available on record.

4. It has been submitted by the learned counsel for the petitioner that the petitioner was falsely implicated in this case and he has nothing to do with the crime, as alleged by the prosecution. According to the petitioner, the deceased himself was maintaining illicit relationship with the wife of accused No.1 and he is no way concerned with the crime. The petitioner is cultivating his lands in his village and as such the participation in the crime along with A1 is false and fabricated. It is also submitted that most part of the investigation is complete. The statements of the material witnesses have been recorded by the investigating officer. Hence, the question of tampering the evidence of the witness does not arise. The son of the petitioner is suffering from cerebral malaria and so the presence of the petitioner with his son is very much necessary.

5. Learned Additional Public Prosecutor vehemently opposed the bail application stating that the petitioner along with A1 hatched a plan to do away with the life of the deceased and accordingly on the date of occurrence, both the petitioner and A1, at about 08.00 p.m., found the deceased coming towards the said poultry farm on his bike and accordingly they attacked the deceased. Initially, A1 gave a blow on the head of the deceased with iron rod, due to which, the deceased fell on the ground. Then the petitioner and A1 assaulted the deceased on his head and face with the iron rods, as a result, the deceased died on the spot. Thereafter, both A1 and A2 after confirming the death of the deceased, left him in a pool of blood and fled away from the scene. On the way, they have thrown the iron rods used in the crime in a rivulet at Pachurlu village. Subsequently, both the accused proceeded to Hayathnagar, parked their motor cycle in the parking station and went to their native village. Later, on 29.04.2019, both the accused returned

back to Haritha Poultry farm, pretending themselves as the spectators of the dead body. Thus, present petitioner is actively involved in the crime. Hence, he is not entitled for bail.

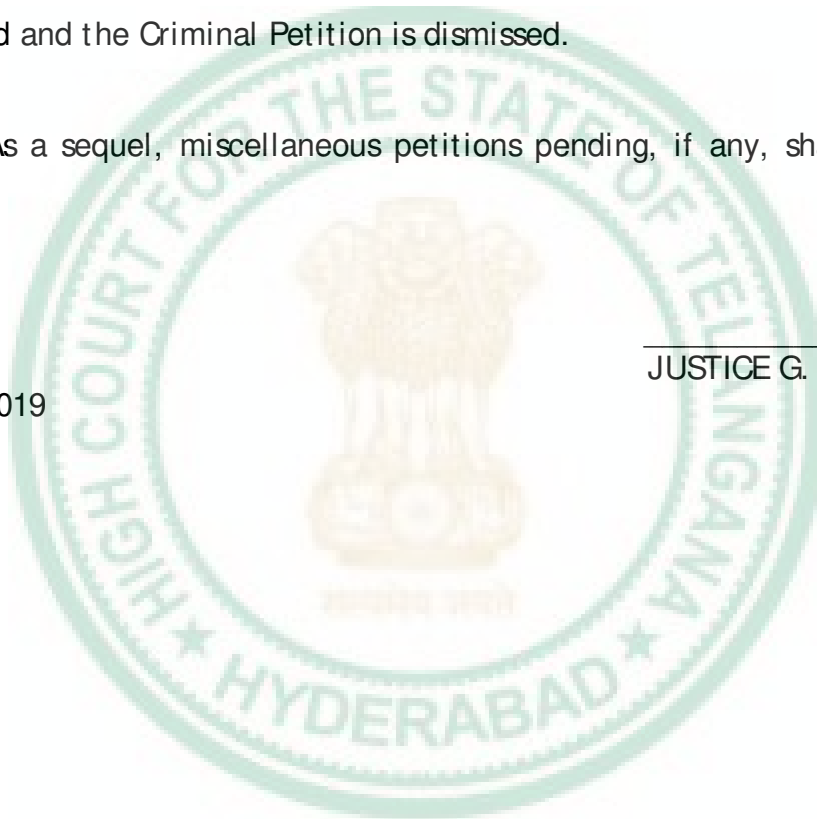
6. Looking into the nature of allegations levelled against the petitioner and his involvement in the crime and taking into consideration the gravity of the offences, I am not inclined to grant bail to the petitioner/ accused No.2.

7. Accordingly, the prayer for granting bail to the petitioner is rejected and the Criminal Petition is dismissed.

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

25.06.2019  
vnb

JUSTICE G. SRI DEVI



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Date: 25.06.2019

vhb