

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.3526 of 2019

ORDER:

The petitioner/A.1 has filed the present Criminal Petition under Sections 437 and 439 Cr.P.C. seeking enlargement on bail in Crime No.63 of 2019 of Ghatkesar Police Station, Rachakonda Commissionerate, registered for the offences punishable under Sections 302, 201, 414, 498-A and 109 of IPC and Section 3(1)(r)(s) and 3(2)(V) of Scheduled Castes and Scheduled Tribes (POA) Amendment Act, 2015.

The case of the prosecution is that, on 10.02.2019 at about 10.00 a.m., one Mandala Venkatesham, Revenue Inspector, Girdavar, lodged a written complaint in telugu informing that on information from the villagers of Kondapur, by the Village Revenue Assistant, he along with Village Revenue Assistants, visited the spot in Sy.No.86 of Kondapur Revenue Village and found two burnt dead bodies and that basing on the above complaint, the Inspector of Police, Ghatkesar Police Station, registered a case in Crime No.63 of 2019 for the aforesaid offences, visited the scene of offence, examined and recorded the statements of witnesses, that the mother of deceased No.1 appeared and reported that A.1 murdered the deceased No.1 along with four months son by pouring petrol on both of them and burnt them beyond recognition at the instigation of the A.4, A.2 and A.3. During the course of investigation, the petitioner/A.1 surrendered

before the Ghatkesar Police Station and confessed that on the night of 09.02.2019, he killed his wife and their son and accordingly narrated the story stating that he got acquaintance with deceased No.1 in the year 2009, thereafter they fell in love with each other and both of them got married in November, 2015 at Arya Samaj, Balkampet, that thereafter he along with deceased No.1-wife started leading conjugal life in a rented house at Erragadda, Hyderabad, without informing to the parents of both sides, that in the year 2016, when he went to his parents house, who brought marriage alliance, on coming to know about the same, deceased No.1 quarrelled with him and also informed to her mother about their marriage, who intturn, informed to his parents by showing the marriage photos, that on receiving a call from his parents, he again went to his village, where his parents questioned him as to why he performed the marriage with a SC community girl/deceased No.1 and warned him that they will not allow deceased No.1 in their house, that thereafter quarrels ensued between the petitioner and deceased No.1 and that deceased No.1 used to force him to take her to his village, that after delivery of a male child in November, 2018, both of them started staying separately, that deceased No.1 frequently used to call him on phone and forced him to take herself and her son to their house, which was not agreed to by his parents, that because of the continuous demands made by deceased No.1, the petitioner hatched a plan to eliminate his wife and marry another girl and accordingly

telephoned to deceased No.1 on 09.02.2019 morning and asked her to come down to Hyderabad, who accordingly came down to Uppal along with deceased No.2 from where the petitioner took them on his motor cycle initially to Ghanapur, where deceased No.1 threatened him to commit suicide by taking sleeping pills if she is not allowed to stay with him and consumed two sleeping pills, that at about 9.00 p.m., when deceased No.1 went into unconscious state, the petitioner took her to the forest area existing on the back side of HPCL and killed her and her son by throttling their neck and after confirming that both of them died, he got relieved the ornaments from the person of his wife, brought petrol, poured on his wife and son and burnt them beyond recognition and went to his native place, that because of fear, on 10.02.2019 he along with the ornaments of his wife went to Palakurthy Police Station and surrendered himself, who inturn brought him and handed over him to Ghatkesar Police on 10.02.2019 and in pursuance of his confession, the gold ornaments of deceased No.1, so also the motor cycle were seized in the presence of witnesses.

Heard learned counsel for the petitioner/A.1 and the learned Additional Public Prosecutor appearing for the respondent State.

Learned counsel for the petitioner/A.1 contends that A.1 and deceased No.1 are living separately at Hyderabad since the date of their marriage and they never visited the houses of their parents. It is also contended that the

petitioner is the only bread winner of his family and he has been falsely implicated in the above crime and that material part of investigation has already been completed, except filing of charge sheet and that the petitioner is ready to abide by any of the conditions imposed by this Court, including assisting the investigating agency in the event of his release on bail in the above crime.

On the other hand, the learned Additional Public Prosecutor vehemently opposed the application and contends that the petitioner is not entitled for the relief sought in the present Criminal Petition.

A perusal of the record reveals that the petitioner himself has married deceased No.1, which was a love marriage, and both of them were residing together separately from their respective parents without informing them about their marriage. Since there was a pressure to the petitioner from his parents to perform his marriage with another girl, the petitioner wanted to eliminate his wife and child and accordingly he brutally murdered them and in order to destroy evidence, he removed the gold ornaments from the person of his wife and burnt the dead bodies beyond recognition. Thus, the offence committed by the petitioner is heinous in nature. Further, basing on the confessional statement of the petitioner only, the above crime has been registered and on investigation, it came to light that the petitioner has brutally murdered his wife and son and hence, at this stage, if the petitioner is released on bail, there is every

possibility of tampering with the evidence of prosecution witnesses and escaping from the punishment.

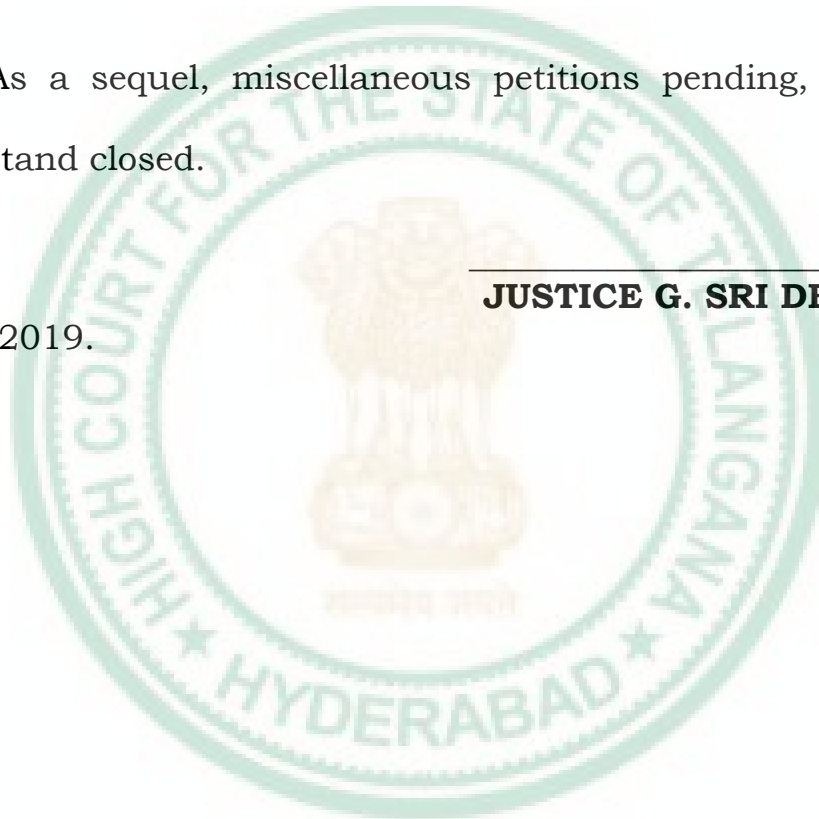
Therefore, by taking into consideration the nature of allegations made against the petitioner/A.1 and also the gravity of offences committed by him, this Court is of the considered view that the petitioner/A.1 is not entitled to be released on bail.

Accordingly, this Criminal Petition is dismissed.

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

JUSTICE G. SRI DEVI

05.07.2019.
Msr



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Msr