

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION Nos.4826 and 4864 of 2019

COMMON ORDER :

Since both the Criminal Petitions arise out of same Crime No.271 of 2019, they are heard together and being disposed of by this common order.

While CrI.P.No.4826 of 2019 is filed by the petitioners, who are A.1 to A.3, CrI.P.No.4864 of 2019 is filed by the petitioners, who are A.5 to A.9, under Sections 437 and 439 of Cr.P.C., seeking enlargement on bail in Crime No.271 of 2019 of Patancheru Police Station, Sangareddy, Medak District, registered for the offences punishable under Sections 147, 148, 302, 307 r/w. Section 149 of IPC and Section 25(1B)(a) of the Indian Arms Act.

This is a case of committing murder of the deceased armed with deadly weapons by the accused by forming into unlawful assembly on 31.05.2019 at 11.30 a.m. on the National Highway-65 Road, Rudraram Village, Patancheru Mandal, Sangareddy District, keeping old disputes in mind, while the deceased was returning to Cherlapally from Sangareddy after attending the Court. Basing on the complaint lodged by the defacto complainant, who is the brother of the deceased, the police registered the above Crime No.271 of 2019 against the petitioners/A.1 to A.3 and A.5 to A.9 and others.

Heard Sri S.M. Rafee, learned counsel for the petitioners/A.1 to A.3 in Crl.P.No.4826 of 2019, as well as Sri Md. Samiuddin, learned counsel for the petitioners/A.5 to A.9 in Crl.P.No.4864 of 2019 and the learned Additional Public Prosecutor appearing for the respondent-State. Perused the material on record.

Learned counsel for the petitioners contends that while A.1 to A.3 were not at all involved in the above crime and they were implicated in the above crime after registration of FIR on suspicion only, as they are the brothers of Arshad Hussain, who has been murdered earlier by the deceased in the present crime, A.5 to A.9 were implicated in the present crime in view of the rivalry in doing PDS rice business between the deceased and A.5 and A.6. It is also contended that though the name of A.5 was figured in the FIR, it was only on the information given by LW.2, who claims to be the sole eye witness to the incident, who is a close associate of the deceased Mahaboob Hussain and who knows the rivalry between A.5 and the deceased in PDS rice business and, therefore, A.5 has been intentionally implicated in the above crime. It is also contended that though it is alleged in the Remand Report that A.1 to A.3 confessed that someone on the highway road had videographed the commission of offence in his cell phone and circulated the same in the social media as well as in some news channels, a perusal of the said video discloses the presence of only one person hacking the deceased with a sickle and no other persons are present at

the place of occurrence and the petitioners have been falsely implicated in the present crime. It is further contended that A.7 to A.9 are residents of Gulbarga of Karnataka State and came to Hyderabad to meet A.5, who is closely related to them, in a function and they were apprehended while they were with A.5 and A.6. It is contended that though it is alleged that A.7 to A.9 had committed murder by taking Rs.6,00,000/-, such amount was not recovered and only a sum of Rs.30,000/- was recovered from them. It is also contended that all the petitioners are innocent of the alleged offence and they are eking out their livelihood by doing scrap business and they are in judicial custody since last two months and their families are suffering a lot. It is contended that material part of investigation is already completed and the petitioners are ready to abide by any of the conditions imposed by this Court and would cooperate with the investigation, if they are released on bail in the above crime.

On the other hand, the learned Additional Public Prosecutor opposed the relief sought in the above Criminal Petitions contending that the commission of murder of the deceased, who is aged about 24 years, brutally by the accused in a broad day light at 11.30 a.m. was videographed by someone in a cell phone and the same was published in news channels and social media and specific role has been attributed in committing the offence to each of the accused in the Remand Report and the amount, which was given for hiring the accused to kill the deceased, was recovered from

the possession of the accused and hence the petitioners are not entitled for grant of bail.

As seen from the Remand Report and the statements of witnesses, it is evident that specific role has been attributed to each of the accused about their involvement in the commission of offence. Therefore, in view of specific allegations levelled against the petitioners and their involvement in the commission of offence and also the gravity of offence, I am not inclined to enlarge the petitioners/A.1 to A.3 and A.5 to A.9 on bail.

Accordingly, both the Criminal Petitions are dismissed.

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

JUSTICE G. SRI DEVI

19.08.2019.
Msr

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