

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION Nos.5963 and 4840 of 2019

COMMON ORDER:

1. The petitioners, who are Accused Nos.1, 3 and 4, filed the present applications under Sections 437 and 439 of Criminal Procedure Code, seeking to enlarge them on bail in S.C.No.739 of 2019 on the file of the XV Additional District and Sessions Judge, Kukatpally, Ranga Reddy District (P.R.C.No.1044 of 2019 on the file of XII Additional Metropolitan Magistrate at Kukatpally, Cyberabad), which was registered for the offences punishable under Section 302, 201, 404 and 120(B) of I.P.C.
2. Brief facts of the case are that one Gunji Paulu lodged a complaint with the Inspector of Police, Gachibowli Police Station, Hyderabad, stating that on 30.01.2018 at about 09.00 hours, while he was returning home from morning walk, he found one gunny bag and one plastic bag emanating decomposed smell, near Botanical Garden, Sreeramnagar, opposite Palapitta Cycling Park, and on observation of the bags, he found one leg with toe ring, one hand and other parts of the body of an unknown woman exposed from the bags. Basing on the said complaint, the Inspector of Police, Gachibowli Police Station, Hyderabad, registered a case in

Crime No.72 of 2018 for the offences punishable under Section 302 and 201 I.P.C. Eventually, after completion of investigation, a charge sheet was laid against the petitioners/A1, A3 and A4 and other accused for the offences punishable under Sections 302, 201, 404 and 120(B) of I.P.C. The said charge sheet was taken on file as P.R.C.No.1044 of 2019 and after committal the same was numbered as S.C.No.739 of 2019 on the file of the XV Additional District and Sessions Judge, Kukatpally, Ranga Reddy District.

3. Heard the learned Counsel for the petitioners/accused and the learned Additional Public Prosecutor appearing on behalf of the respondent/complainant and perused the material available on record.

4. Learned Counsel for the petitioners submitted that the petitioners are innocent of the offence and they are in no way connected with the aforesaid alleged offences. She further submitted that the petitioner/A1 is suffering from diabetes, high blood pressure and chest pain and she was arrested on 12.02.2018 and remanded to judicial custody. She further submitted that the petitioner/A4 is aged about 62 years and he is suffering from diabetes, high blood pressure and chest pain and that the petitioners/A3 and A4 were arrested on 12.02.2018

and since then, they have been in judicial custody. She further submitted that the petitioners/accused have to engage an advocate to defend themselves in the trial Court and as such their release from judicial custody is essential at this juncture. She further submitted that the petitioners/accused are ready to abide by any conditions imposed by this Court and as such prayed to enlarge them on bail.

5. Learned Additional Public Prosecutor vehemently opposed the aforesaid bail applications on the ground that the petitioners/accused are originally native of Bihar State and the parents of the deceased are apprehending danger in the hands of the accused. He further contended that if the petitioners/accused are released on bail, there is every possibility of evading the process of law and it would be very difficult for the police to trace them. He further contended that since the Sessions Case is posted for trial, the learned Sessions Judge may be directed to dispose of the same at the earliest. He further contended that since the offences alleged against the petitioners/accused are grave and serious in nature, they are not entitled for bail.

6. A perusal of the material available on record would reveal that A-1 and A-4 are wife and husband and A-3 is their

son. A-2 is having illicit intimacy with the deceased as well as A-1. On 27.01.2018 at about 11.00 P.M. A-1 and A-2 intentionally picked up a quarrel with the deceased (Bingi) as A-2 questioned the deceased for her pregnancy without his knowledge. Then, A-1 pressed the throat of the deceased; A-2 hit the head of the deceased to the Wall and kicked her on her stomach indiscriminately; A-4 caught hold of her legs, while A-3 forcibly kicked and beat the deceased on her back resulting instantaneous death of the deceased. Thereafter, on 28.01.2018 in the evening hours, A-2 and A-3 chopped the dead body of the deceased into pieces by using Electric cutting machine and packed the dead body in two gunny bags in order to screen the evidence. Hence, there are specific allegations against the petitioners/accused with regard to the manner in which they have killed the deceased, who was eighth month pregnant lady, at that time. Though the petitioners/accused are in judicial custody from 12.02.2018, but the offences alleged against them are grave and serious in nature punishable with death or imprisonment for life and that the Sessions Case is posted for trial.

7. Having regard to the fact that there are specific allegations against the petitioners/accused with regard to the

manner in which they have killed the deceased, who was eighth month pregnant lady, at the time of offence; the petitioners/accused are native of Bihar State; the offences alleged against them are grave and heinous in nature and that the Sessions Case is posted for trial, I am not inclined to grant bail to the petitioners/accused.

8. Accordingly, both the Criminal Petitions are dismissed.

It is needless to mention that the trial Court shall take all possible steps to proceed with the Sessions Case on day-to-day basis and complete the trial as expeditiously as possible.

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

JUSTICE G. SRI DEVI

30.09.2019
Gsn/gkv

