

THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL PETITION No.7441 of 2019

ORDER:

This Criminal Petition, under Sections 437 and 439 of Cr.P.C., is filed by the petitioner/accused No.3 seeking to enlarge him on bail in Crime No.840 of 2019 on the file of Vanasthalipuram Police Station, Rachakonda Commissionarate, registered for the offences punishable under Sections 302 and 201 read with Section 34 IPC and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. Heard learned counsel for the petitioner/accused No.3, learned Additional Public Prosecutor appearing for the respondent-State and perused the record.

3. Learned counsel for the petitioner submitted that the allegations levelled against the petitioner are all false and fabricated stories created by the *de facto* complainant in order to implicate the petitioner in the case; that the petitioner is innocent and he is no way concerned with the allegations levelled against him; that he is in judicial custody since 15.10.2019; that he did not commit any offence as alleged in the complaint; that all the witnesses are the family members of the deceased and their statements have been recorded by the Police and in collusion with the family members of the deceased for implicating the petitioner; that the Police has already completed investigation and no useful purpose will be served if the petitioner is in judicial custody; that the petitioner

belongs to a reputed family and he is having permanent residence in Hyderabad; and in the event bail is granted to the petitioner, he is ready to abide by any terms and conditions imposed by this Court and is ready to provide sufficient sureties to the satisfaction of this Court.

4. Learned Additional Public Prosecutor opposed to grant bail to the petitioner.

5. A perusal of the remand case diary reveals that on the night of the occurrence, at the instance of accused No.1, accused No.2 and the petitioner have purchased beer and came to the house along with beer and then A-3 and the deceased consumed it; that at about 1-30 hours on 06/07.10.2019, when all the accused and the deceased were standing in front of the house and were talking about some financial matter, accused No.2 rounded the neck of the deceased by his elbow and made him lie down on the ground and at that time the deceased was having one towel over him and accused No.2 has stiffened the neck of the deceased with the towel and both accused Nos.2 and 3 stiffened the towel over the neck of the deceased by holding the towel on both sides; and that in the meantime, accused No.1 sat over the legs of her husband/deceased and accused No.2 kept the pillow on the face of the deceased causing suffocation and strangulated the neck of the deceased, due to which the deceased lost his breath. In this way, all the accused have brutally committed the murder of the deceased and after confirming the death of the deceased, accused Nos.1 to 3 have

taken away the body of the deceased inside the house and placed it on the bed beside the children. Thereafter, the petitioner along with accused No.2 went away from there and while going away from there, accused No.2 has given Rs.5,000/- to the petitioner stating that he will give another Rs.40,000/- after coming to the Village. Thus, it is clear that there is active participation of the petitioner in committing the murder of the deceased-husband of accused No.1.

6. Thus, looking into the nature of the allegations levelled against the petitioner, the other facts and circumstances of the case and the involvement of the petitioner in commission of the crime, I am not inclined to release the petitioner on bail.

7. Accordingly, the Criminal Petition is dismissed.

7. Miscellaneous petitions, if any pending in this criminal petition, shall stand dismissed.

28th November, 2019
dr

JUSTICE G.SRI DEVI