

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 6868 of 2021

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioners – Accused Nos. 13 and 14 in S.C.No. 5 of 2021 on the file of IX Additional District Judge-cum – Fast Track Court, Rangareddy District (Crime No. 592 of 2020 of P.S. Gachibowli) registered for the offences punishable under Sections 120-B(i), 302, 364, 379, 448, 449, 341, 342, 352, 323 and 506 IPC., seeking bail.

2. The case of prosecution is that: on 24.09.2020, at about 18.35 hours, Smt. Chintha Avanthi Reddy lodged a complaint that she married one Hemanth Kumar (hereinafter referred to as 'the deceased') in 2020 against the will of her parents and were living separately in TNGO's colony, Phase-II, Gachibowli. While so, on 24.09.2020, at 14.30 hours, Accused Nos. 9, 15, 10, 8, 13, 16, 14, 1, 12, 17 and some others came in three cars, criminally trespassed into their house, beat them and took them in i20 car of Accused No.10 and forcibly made them sit in front seat and Accused No.8 sitting beside her and deceased and all of them informed that they were taking them to her father's house at Lingampally. However, when the car reached Gopanpally X Road, above accused diverted the car towards ORR. Suspecting danger to their lives, both complainant and deceased got down from the car. At that time, Accused No.1 and others got down from the car and forcibly

took the deceased in another car and went towards ORR. Meanwhile, in-laws of complainant came to Gopanpally X Roads to rescue her. But the above accused abused and threatened them also with dire consequences. The complainant stated that at the instigation of her father, all the accused persons, who are close relatives, hatched a plan to do away the life of the deceased, abducted him and beat him.

3. Learned counsel for petitioners Sri Palle Sriharinath submits that in the charge-sheet, it is alleged that Accused No.10 called Accused Nos. 13 and 14, 111 and 35 times and basing on that allegation, prosecution tried to establish the conspiracy between accused persons. Further, learned counsel submits that the other allegation against petitioners is that when police reached Gopanapally X Roads, Accused Nos. 1, 8, 12, 13 and 14 were present there trying to push complainant and deceased into cars and on seeing in-laws of complainant, they picked up a quarrel with them, but however, in the entire charge-sheet, no specific overt acts were attributed against these accused. According to learned counsel, since all accused belong to the same family, petitioners have been implicated in this case and were remanded to judicial custody on 24.09.2020 and from the last 425 days, they have been languishing in jail. Learned counsel submits that earlier bail applications filed by petitioners were dismissed and this is the fifth Application, hence, their case may be considered for grant of bail.

4. On the other hand, learned Additional Public Prosecutor Smt. Sridevi Juvvadi submits that petitioners, who are Accused Nos. 13 and 14, at the behest of Accused Nos. 2 and 3, insisted the complainant to come along with them and they aided and instigated in abducting the deceased and complainant from their rented house. She further states that Accused No.13 was arrested and his confessional statement was recorded and at his instance, cell phone used in the commission of offence was seized, call data of which establishes that Accused No.13 communicated with other accused for commission of offence and parents of deceased ie. L.Ws.2 and 3 stated that they were threatened by Accused No.13. It is stated that Accused No. 14 is maternal uncle of complainant and he also participated in abducting complainant and deceased and at his instance, his cell phone and Brezza car bearing Registration No. TS 15 EX 9781 which was used in the commission of offence were also seized. Learned Additional Public Prosecutor submits that Hon'ble Apex Court in ***Shakti Vahini v. Union of India***¹, in respect of honour killings, specifically observed that '*the criminal cases pertaining to honour killing or violence to the couple(s) shall be tried before the designated Court/Fast Track Court earmarked for that purpose. The trial must proceed on day-to-day basis to be concluded preferably within six months from the date of taking cognizance of the offence*' and those directions have to be applied even to the present case and the District Judge shall assign this case as early as possible to one

¹ AIR 2018 SC 1601

jurisdictional court so as to ensure expeditious disposal. Learned Additional Public Prosecutor also submits that already Fast Track Special Court for Trial of POCSO Act Cases, Ranga Reddy District, L.B. Nagar issued the Schedule and the trial is going to commence from 29.11.2021. It is submitted that as trial will be proceeding expeditiously, at this stage, petitioners are not entitled for bail.

5. Learned counsel appearing on behalf of complainant Sri V. Raghunath submits that entire charge-sheet and counter filed by the State clearly show involvement of petitioners in committing this offence and basing on this, the earlier four bail applications moved by them were dismissed. As this is an offence of 'honour killing' and in the light of the judgment of the Hon'ble Apex Court, referred to supra, now Schedule is also given for trial of case, at this stage, petitioners are not entitled for bail.

6. Heard learned counsel on either side and perused the material on record.

7. The charge sheet and the counter-affidavit filed on behalf of the State is evident that there are specific overt acts against petitioners. Further, in the light of the judgment of the Apex Court in ***Shakti Vahini's case***, Fast Track Court was designated to conduct trial and the said Court had already issued Schedule for conduct of trial and trial is also going to commence from 29.11.2021 onwards. In view of the same, as

the offences alleged against petitioners are grave in nature, this Court is not inclined to grant bail to them, at this stage.

8. The Criminal Petition is accordingly, dismissed.

25th November 2021

LALITHA KANNEGANTI, J

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