

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION NO.8193 OF 2021

ORDER:

This Criminal Petition is filed under Sections 437 and 439 of Cr.P.C., by the petitioners/A-1 and A-2 seeking regular bail in Crime No.522 of 2021 of Shankarpally Police Station, Cyberabad, registered for the offences punishable under Sections 120(B), 302 and 201 read with Section 34 IPC.

2. The facts of the case in brief are that A1 was facing trouble from his sister Smt. Amrutha due to land dispute as she was demanding for a share in the property left by her father and filed a civil suit and was not willing to compromise the matter with him. The deceased Boda Venkataiah, who was the brother-in-law of Smt. Amrutha, approached A1 and offered to kill Smt. Amrutha, if he gave him Rs.5.00 lakhs. With an intention to get rid of her, A1 accepted and paid Rs.4.00 lakhs to the deceased Venkataiah on multiple occasions. Later, when A1 refused to give money until the murder of his sister Smt. Amrutha was executed, the deceased started blackmailing A1. At that juncture, A1 along with his nephew i.e. A2 conspired together and executed the murder of deceased Venkataiah on 11.09.2021 at 3.00 AM in Maha Lingapuram Village limits. Basing on the report given by the wife of the deceased Venkataiah, the police registered the above crime and effected the arrest of A1 and A2 on 15.09.2021.

3. Heard the learned counsel for the petitioners/A-1 and A-2 and the learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioners submitted that the petitioners were innocent of the crime alleged and police had foisted a false case against them, the petitioners were in custody since 16.09.2021, they were willing to abide by the terms and conditions imposed by this Court in the event of granting bail to them and that they were also entitled for bail under Section 167(2) Cr.P.C. as the mandatory period was completed and the police failed to file charge sheet within the requisite time and prayed to enlarge the petitioners/A-1 and A-2 on bail.

5. Learned Additional Public Prosecutor appearing for the State opposed the petition, but admitted that charge sheet was not yet filed.

6. Considering that the petitioners are in jail since 16.09.2021 and the mandatory period is over, and the police had not yet filed the charge sheet and without delving into the merits of the matter, I am inclined to grant bail to the petitioners/A-1 and A-2.

7. In the result, the Criminal Petition is allowed and the petitioners/A-1 and A-2 are directed to be released on bail, subject to the following terms and conditions:

- (i) The petitioners/A-1 and A-2 shall be released on bail on their executing a personal bond to a tune of Rs.50,000/- (Rupees fifty thousand only) each with two sureties for a like sum each to the satisfaction of the Judicial First Class Magistrate at Chevella, Ranga Reddy District.
- (ii) The petitioners/A-1 and A-2 shall personally appear before the investigating authorities on every Sunday

between 08.00 AM and 11.00 AM for a period of two months or till filing of the charge sheet, whichever is earlier.

- (iii) The petitioners/A-1 and A-2 shall not interfere with the investigation, intimidate or induce the material witnesses and shall cooperate with the investigating agency.
- (iv) The petitioners/A-1 and A-2 shall not misuse the liberty granted to them.
- (v) The petitioners/A-1 and A-2 shall personally appear before the Court concerned on each date of hearing till conclusion of trial.

Miscellaneous applications, if any, pending, shall stand closed.

Dr. JUSTICE G. RADHA RANI

27th December 2021
RRB