

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.8783 of 2021

ORDER:

This petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 seeking regular bail to the petitioner/A-5 in connection with Crime No.1224 of 2021 of Miyapur Police Station, Cyberabad, registered for the offence punishable under Section 302 read with Section 34 IPC.

2. The case of the prosecution is that the marriage of the sister of de-facto complainant was performed with A1 at about 6 years ago from the date of offence and they blessed with two sons and one daughter. Since the date of their marriage, A1 was harassing his sister both mentally and physically and the elders convinced him whenever A1 beat his sister. On 12.09.2021 at about 7.00 AM., when the father of de-facto complainant and his friend, by name, Murtuja went to the parents' house of A1 for convincing A1, all the accused brutally killed the father of de-facto complainant. Immediately, he went there and found the dead body of his father in a pool of blood on the road.

3. Heard Sri L. Ram Singh, learned counsel for petitioner and learned Assistant Public Prosecutor for respondent-State.

4. Learned counsel for the petitioner submits that there are no allegations against the petitioner nor any specific overt acts attracting the offence under Section 302 read with Section 34 IPC against him. Learned counsel has drawn the attention of this Court to the remand report and submits that in the remand report, it is stated that L.Ws.7 and 8, who are house owners of A1 to A5, stated that A1 to A6 have planned to eliminate the deceased. He further submits that except the said allegation, there

are no specific overt acts against the petitioner and he has been implicated in this case falsely. He also submits that the petitioner has been languishing in jail since 17.09.2021 and his case may be considered for bail.

5. On the other hand, learned Assistant Public Prosecutor submits that as per the remand report, A1 to A6 have planned to eliminate the deceased and that as the crime is registered for the offence under Section 302 IPC, petitioner is not entitled for bail at this stage.

6. A perusal of the remand report, except stating that A1 to A6 have planned to eliminate the deceased, there are no specific overt acts against the petitioner. Hence, this Court deems it appropriate to grant bail to the petitioner.

7. In the result, the criminal petition is allowed and the petitioner/A-5 shall be enlarged on bail in connection with Crime No.1224 of 2021 of Miyapur Police Station, Cyberabad District, on his executing a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a like sum each to the satisfaction of the VIII Additional Metropolitan Magistrate, Cyberabad at Kukatpally. The petitioner shall cooperate with investigation and shall not influence the witnesses and tamper with evidence. If the petitioner fails to comply with any condition, the prosecution is at liberty to file an appropriate application seeking cancellation of bail.

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

LALITHA KANNEGANTI, J

8th December, 2021

sj