

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO.986 OF 2022

ORDER:-

This petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner/A.1 in connection with Crime No.111 of 2021 of Thirumalayapalem Police Station, Khammam District, registered for the offences punishable under Sections 120-B and 302 read with 34 and Section 109 of the Indian Penal Code, 1860 (for short 'IPC').

2. A report was lodged by the *de facto* complainant stating that the petitioner along with other accused committed the murder of Boda Haridas, Boda Malsoor and Boda Bhadru on 14.08.2021 at about 1830 hours at Chandruthanda Village of Thirumalayapalem village, by mixing the poisonous substance supplied to them by the other accused in the alcoholic drink served to the above said deceased persons.

3. Mr.V.Brahmaiah Chowdary, learned counsel for the petitioner, submits that the petitioner is arrayed as A.1. It is stated that earlier, the petitioner, A.2 and A.3 have moved the Court below for grant of

bail and the Court below was pleased to grant bail, by order dated 11.10.2021 in Crl.M.P.No.370 of 2021. Aggrieved by the said order, the prosecution has filed Crl.P.No.7752 of 2021 before this Court seeking cancellation of bail. This Court, by order dated 17.11.2021, has allowed the petition as far as the petitioner/A.1 is concerned and it is observed that “the Court below contrary to the record has observed that major part of the investigation is completed and further failed to take into consideration the other contentions raised on behalf of the prosecution and the counter filed by them before the Court below. Further, even the learned counsel for the respondents herein/A.1 to A.3 has argued before the Court below only in respect of respondents 2 and 3 herein/A.2 and A.3 and nothing has been argued how Accused No.1 is entitled for bail. In view of the above and taking into consideration the law laid down by the Apex Court in Sonu’s case (supra), bail granted to respondent No.1/A1 by the Court below vide order dated 11.10.2021 in in Crl.M.P.No.370 of 2021 in Crime No 111 of 2021 of P.S. Tirumalayapalem is cancelled.”

4. Learned counsel further submits that entire investigation is completed and the charge sheet is also filed. He further submits that

the petitioner is languishing in jail from the last 114 days. As such, the petitioner's may be considered for grant of bail.

5. On the other hand, learned Assistant Public Prosecutor submits that entire investigation is completed and charge sheet is also filed. Earlier, there was law and order problem and police picket was set up in the village also. He submits that if the petitioner is enlarged on bail and enters into the village, there is every chance of life threat to the complainant, as rival group is behind the petitioner. As such, the petitioner is not entitled for bail.

6. Taking into consideration the fact that entire investigation is completed and charge sheet is also filed, this Court deems it appropriate to grant bail to the petitioner/A.1 on certain conditions.

7. Accordingly, this Criminal Petition is allowed and the petitioner/A.1 shall be enlarged on bail on his executing a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the Principal Judicial First Class Magistrate (PDM) at Khammam. On such release, the petitioner shall appear before the Station House Officer, Khammam Rural Police Station, once in a week i.e., on every Friday,

between 10.00 a.m. and 12.00 Noon till the trial is completed. Further, the petitioner is directed not to enter Tirumalayapalem Mandal, Khammam District, and shall not threat or influence the witnesses.

Miscellaneous applications pending, if any, shall stand closed.

LALITHA KANNEGANTI, J

Date: 10.03.2022

mar/sha