

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
MONDAY, THE FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY TWO
PRESENT

THE HONOURABLE DR. JUSTICE CHILLAKUR SUMALATHA
CRIMINAL PETITION NO: 6482 OF 2022

Between:

1. Ardham Ranjith Reddy, S/o. Late Muralidhar Reddy, Aged about 40 years, Occ. Private employee, R/o. H. No. 5-47/1, beside Geetha Theatre, Chanda Nagar, Serilingampally Mandal, Ranga Reddy District.
2. Ardham Rakesh Reddy, S/o. Late Muralidhar Reddy, Aged about 39 years, Occ. Private employee, R/o. H. No. 5-47/1, beside Geetha Theatre, Chanda Nagar, Serilingampally Mandal, Ranga Reddy District.

...PETITIONER/ACCUSED NO. 9 & 10

AND

The State of Telangana, Represented by Public Prosecutor, High Court for the State of Telangana, Hyderabad.

...RESPONDENT/COMPLAINANT

Petition under Section 437 & 439 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to enlarge the Petitioners/Accused No.9 & 10 on bail in SC No. 5 of 2021 on the file of the Honble IX Additional District and Sessions Judge (FTC), Ranga Reddy District, at L.B. Nagar (Crime No. 592 of 2020 of P.S. Gachibowli, Cyberabad).

This Petition coming on for hearing upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri PASHAM KRISHNA REDDY, Advocate for the Petitioner and the Additional Public Prosecutor on behalf of the sole Respondent.

The Court made the following: ORDER

HONBLE DR. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.6482 of 2022

ORDER:

Heard the submission of the learned counsel for the petitioners as well as the learned Assistant Public Prosecutor.

2. Seeking the Court to enlarge the petitioners on bail, who are arrayed as accused Nos.9 and 10 in S.C.No.5 of 2021 that is pending on the file of the Court of IX Additional District and Sessions Judge (Fast Track Court), Ranga Reddy District at L.B.Nagar, the present Criminal Petition is filed.

3. Learned counsel for the petitioners submits that the petitioners who are arrayed as accused Nos.9 and 10 have not committed any offences whatsoever and the allegations levelled against them are false and therefore, they are entitled to bail. Learned counsel also submits that the petitioners are in judicial custody since 25.9.2020 and four successive bail applications were dismissed till now and in the light of changed circumstances, the petitioners are entitled to

bail. Learned counsel further states that earlier bail applications were dismissed on different grounds like investigation was pending, the case was not committed, the prime witnesses were not examined, etc. But, as of now, since no such grounds are prevailing, the petitioners have to be enlarged on bail.

4. Vehemently opposing the said submission, the learned Assistant Public Prosecutor submitted that he filed a counter-affidavit stating that the petitioners who are the prime accused are not entitled to bail. Learned Assistant Public Prosecutor also submitted that there is active collusion and conspiracy between the petitioners and other accused and they abducted the husband of the defacto complainant and killed him mercilessly and this is one of the cases of honour killing and therefore, the petitioners are not entitled to bail.

5. The crux of the case as could be perceived through the contents of the charge sheet is that P.W-1 is the daughter of accused Nos.2 and 3. She fell in love with the deceased-Hemanth Kumar (hereinafter

be referred to as "the deceased" for brevity). As the parents of P.W-1, i.e., accused Nos.2 and 3, refused for getting her married to the deceased, P.W-1 and the deceased left their respective houses and got married. They got their marriage registered too. Subsequently, they took a house on rent and started residing together. Accused No.2 who is the father of P.W-1 lodged a complaint to Police regarding missing of his daughter. Subsequently, Police summoned P.W-1 and the deceased and later, informed accused No.2 that both of them got married. Accused Nos.1 to 3, the petitioners herein and others tried to convince P.W-1 to return to house on the ground that the deceased belongs to a different caste. But P.W-1 refused. On that, accused Nos.1 to 3 conspired and contacted others seeking their help to kill the deceased. As per their pre-arranged plan, the deceased and P.W-1 were taken in a car and later, the deceased was killed by strangulating him with a rope.

6. In the light of the afore-mentioned allegations, a case was registered and was investigated into and subsequently, Police laid charge sheet contending that

accused Nos.1 to 18 committed offences punishable under Sections 120-B, 302, 364, 379, 448, 449, 341, 342, 352, 353 and 506 read with Section 34 IPC. When the learned counsel for the petitioners contended that the petitioners are in judicial custody since long time and as of now, there is no requirement for their further detention, the learned Assistant Public Prosecutor stated that a Special Court is constituted to try the case and there is mandate that the trial has to be completed within six months, but the accused took four months to cross-examine P.W-1. Learned Assistant Public Prosecutor also stated that crucial witnesses to the case are L.Ws.1 to 10 and in case, the petitioners are enlarged on bail, they may threaten those witnesses and the proceedings may be stalled. He further stated that L.Ws.2 and 3 were examined in chief.

7. A perusal of the record discloses that L.Ws.1 to 10 are the prime witnesses. Further, the allegations are grave in nature. Therefore, the apprehension of the learned Assistant Public Prosecutor appears justifiable.

8. Though the learned counsel for the petitioners contended that the petitioners are innocent, a perusal of the charge sheet reveals that from the cell phone with phone No.9848911269, which was seized from petitioner No.1/accused No.9, it was found that he contacted accused No.1 over phone 86 times, accused No.2 67 times, accused No.3 12 times, accused No.8 6 times, accused No.10 413 times, accused No.12 170 times, accused No.13 132 times, accused No.14 24 times, accused No.15 167 times, accused No.17 28 times and accused No.18 18 times. It is also narrated that the said calls were made between 10.6.2020 and 24.9.2020. Likewise, it is also mentioned that from the cell phone of petitioner No.2/accused No.10 with phone No.9949071269, it was found that he contacted accused No.1 29 times, accused No.2 104 times, accused No.3 68 times, accused No.8 64 times, accused No.9 413 times, accused No.12 252 times, accused No.13 111 times, accused No.14 35 times, accused No.15 15 times, accused No.17 219 times and accused No.18 14 times between 10.6.2020 and 24.9.2020.

9. Having regard to aforesaid facts, this Court is of the view that the request of the petitioners as of now cannot be honoured. However, this Court is in full agreement with the submission of the learned counsel for the petitioners that it is not desirable to keep the petitioners in judicial custody on the ground that the trial is taking long time to get completed. Therefore, this Court is of the view that the petitioners can be enlarged on bail only on completion of recording of evidence of the prime witnesses i.e., L.Ws.1 to 10.

10. As per the submission of both parties, the evidence of P.W-1 is completed in toto and the evidence of P.Ws.2 and 3 is completed in chief and the case is coming up for their cross-examination. Therefore, this Criminal Petition is disposed of with the following directions:-

- (1) Petitioner Nos.1 and 2/accused Nos.9 and 10 shall be enlarged on bail on each of them executing a personal bond for Rs.3 lakhs (Rupees Three lakhs only) with two sureties for like sum each to the satisfaction of the Court of

IX Additional District and Sessions Judge, (Fast Track Court), Ranga Reddy District at L.B.Nagar as soon as the recording of evidence of the witnesses upto L.W.10 is completed.

(2) That does not mean that L.Ws.4 to 10 shall be examined by the prosecuting agency. The prosecuting agency would always be at liberty either to give up their evidence or to examine those witnesses.

(3) However, as soon as their requirement before the Court for attendance to give evidence is completed, the petitioners shall be set at liberty on their executing the required bond narrated supra.

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

//TRUE COPY//

SD/-N.RAJAGOPAL
ASSISTANT REGISTRAR
20/12/22
SECTION OFFICER

To,

1. The IX Additional District and Sessions Judge (FTC), Ranga Reddy District at L.B.Nagar.
2. The Station House Officer, P.S., Gachibowli, Cyberabad.
3. One CC to SRI PASHAM KRISHNA REDDY Advocate [OPUC]
4. Two CCs to the ADDITIONAL PUBLIC PROSECUTOR, High Court for the State of Telangana, at Hyderabad. [OUT]
5. Two CD Copies

HIGH COURT

DATED:01/08/2022



ORDER

CRLP.No.6482 of 2022

DISPOSING OF TH CRIMINAL PETITION

⑦
v/w
12/9/22