

HIGH COURT FOR THE STATE OF TELANGANA : HYDERABAD

MAIN CASE NO: Criminal Appeal No.1160 of 2019

PROCEEDING SHEET

SL. NO	DATE	ORDER	OFFICE NOTE
	20.11.2023	<u>KL,J & SKS,</u> <u>I.A.No.01 of 2019</u> Heard Sri V. Surender Rao, learned counsel for the petitioner/accused and learned Assistant Public Prosecutor appearing for the respondent. Petitioner herein is sole accused in SC.No.251 of 2017. <i>Vide</i>, impugned judgment dated 19.11.2019, learned Special Judge for Economic Offences-cum-VIII Additional Metropolitan Sessions Judge, Hyderabad, convicted the petitioner herein for the offence under Section 302 of IPC and sentenced him to undergo life imprisonment. Sri V. Surender Rao, learned counsel for the petitioner-accused sought suspension of impugned judgment and grant bail to the petitioner-accused on the following grounds:- (i) PW.4 to PW.6 before whom the accused made extra judicial confession is not believable.	

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		(ii) During cross-examination, PW.6 categorically admitted that he has not stated to the police that on 21.09.2016 between 6 am and 7 am, the younger brother of the accused by name Ram came to him and informed that his brother (accused) murdered Uma by beating with Iron rod and that he was basti president. (iii) During cross-examination, PW.4 himself admitted that the accused himself immediately surrendered in the police station. (iv) Extra judicial confession is a weak piece of evidence. Petitioner is nothing to do with the alleged civil dispute. He is working as lift operator in secretariat. Without considering the said aspects, the Trial Court convicted him <i>vide</i> impugned judgment dated 19.11.2019. Whereas, learned Assistant Public Prosecutor has contended that the Trial Court on consideration of entire evidence including depositions of PWs.1 to 4 and PW.6-Panch witness to recovery of MO.1 recorded conviction against the petitioner herein. The offence committed by petitioner is serious and grave in nature. Therefore, he is not entitled for bail. As discussed supra, there is no eye witness to	

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		the incident. Entire case rests on circumstantial evidence. The Trial Court recorded conviction against the petitioner-accused basing on alleged extra judicial confession made before PWs.4 to 6. There are contradictions in the versions of PWs.4 to 6. PW.4 himself during cross-examination admitted that the accused himself immediately surrendered in the police station. Petitioner herein is in jail from 19.11.2019. Several grounds and contentions raised by the petitioner/accused will be considered at the time of hearing of the appeal itself. In the light of the aforesaid discussion, this Court is inclined to grant bail to the petitioner herein. The present petition is accordingly allowed and the sentence of imprisonment imposed on the petitioner-accused is alone suspended pending disposal of the appeal, and the petitioner herein-appellant-accused, <i>namely</i> Sri Pillikonda Dharma Rajaiah @ Dharmaraju, on executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two (02) sureties for a like sum each to the satisfaction of learned Special Judge for Economic Offences-cum-VIII Additional	

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		Metropolitan Sessions Judge, Hyderabad. During bail, the petitioner/accused shall not indulge in any criminal acts. <u>Crl.A.No.1160 of 2019</u> List on 06.03.2024. KL,J SKS,J SSY	

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