

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3759 of 2023

CRIMINAL PETITION No.4064 of 2023

CRIMINAL PETITION No.3408 of 2023

COMMON ORDER:

1. Heard Sri Narasimha Sharma, learned counsel who argued on behalf of Smt.Madhavi Latha, learned counsel on record for petitioner/Accused No.1 in Criminal Petition No.3759 of 2023. Heard Sri T.Niranjan Reddy, learned counsel who argued on behalf of Sri T.Ravinder Rao, learned counsel on record for petitioner/Accused No.2 in Criminal Petition No.4064 of 2023. Heard Sri P.Prabhakar Reddy, learned counsel who appeared for petitioner/Accused No.8 in Criminal Petition No.3408 of 2023.

2. Seeking post-arrest bail, all the three accused i.e., Accused Nos.1, 2 & 8 in S.C.No.8 of 2023 which is pending before the Court of Principal District & Sessions Judge, Mulugu, are before this Court by filing separate applications under Sections 439 Cr.P.C.

3. The case of the prosecution in capsule as could be perceived through the contents of charge sheet is that there was rivalry between Accused Nos.1 to 3 on one hand and Malagundla Malla Reddy (hereinafter be referred as 'the deceased' for brevity) on the other hand. Therefore, they decided to eliminate the deceased. They consulted Accused No.4 to engage hired assailants to kill the deceased. On that, Accused No.4 contacted Accused No.6. Accused No.6 in turn contacted Accused Nos.8 & 9. Accused Nos.11 and 12 were also contacted. In execution of the plan finally, the movements of the deceased were observed and ultimately, while the deceased was proceeding in an Innova Car, Accused Nos.8, 11 & 12, who proceeded in a Maruthi Swift Dezire car, hit the car of the deceased from the rear side. On that, the deceased got down to check the damage and on that, they all attacked and the deceased was stabbed to death.

4. The submissions made claiming bail by learned Senior Counsels who appeared for Accused Nos.1 & 2 is that Accused Nos.1 & 2 did not engage anyone for killing

the deceased and it is not those persons who are responsible for the death of the deceased. They submitted that Accused Nos.1 & 2 were arrested on 06.08.2022 and were remanded to judicial custody and since then, they are in judicial custody though the investigation was completed and charge sheet was laid long back. Both the learned counsel also stated that except suspicion, there is no material to show that there is meeting of minds among the accused. When the learned Senior counsel appearing for Accused No.2 states that Accused No.2 had not given any confessional statement, learned Senior counsel for Accused No.1 states that even if it is taken that Accused No.2 had confessed the commission of crime, the alleged confessional statement is invalid in the eye of law and Accused No.1 cannot be roped in the case basing on the alleged confessional statement of co-accused i.e., Accused No.2.

5. Also submitting that real culprits were screened, learned senior counsels brought to the notice of this Court the contents of the interview given by the wife of the

deceased, who is shown as one of the witnesses in the charge sheet. As per the contents of the said interview, the deceased informed his wife that he has threat with one Krishnakanth and Sumanth. She stated that those two persons are having high level political influence and they engaged supari gang to kill her husband, but police are screening those two persons and involving others on whom there is no suspicion.

6. Learned counsel appearing for Accused No.1 stated that the full contents of the interview are placed before this Court through a pen-drive and the same can be perused.

7. The submission of the learned counsel appearing for Accused No.8 is that Accused No.8 did not participate in any of the alleged acts and Accused No.8 was arrested on 07.08.2022 and was remanded to judicial custody and therefore, he may be enlarged on bail.

8. Opposing the relief sought for, learned Additional Public Prosecutor contends that the accused filed and are filing series of applications for grant of bail and this Court

is dismissing those applications and the present applications are one of such series. Learned Additional Public Prosecutor also stated that on investigation, Police laid charge sheet contending that Accused Nos.1 to 3 engaged a gang to kill the deceased and ultimately killed him and police also collected the call data regarding the flow of calls from one to another.

9. On that, learned counsels appearing for Accused Nos.1 & 2 stated that Accused No.2 had made phone calls only to Accused No.3, who is his friend and Accused No.4, who is a Physiotherapist. It is also stated that Accused No.5 is the son of Accused No.1. No calls went from the phones of Accused Nos.1 & 2 to any of the alleged killers and the version of the prosecution is also not that Accused Nos.1 & 2 at any time made phone calls to any of the alleged killers, including Accused No.8.

10. Learned Additional Public Prosecutor, continuing his submission, stated that there are no change of circumstances from the date of the dismissal of the earlier

application and thus, the present applications are not maintainable.

11. In reply to the said submission, learned senior counsel appearing for Accused No.2 stated that when the real facts, including the interview given by the wife of the deceased, are not brought to the notice of this Court in the earlier instances, dismissal of those applications cannot be a ground for dismissal of these applications.

12. On that, learned Additional Public Prosecutor made further submission that Accused No.8 was attacked by the deceased during the course of incident and he sustained injuries and took treatment thereafter and sufficient material was collected by the investigating agency that Accused No.8 took treatment for his injuries. Also, learned Additional Public Prosecutor stated that the blood stains that were found at the scene of offence were sent for Forensic analysis, where it is found that those samples matched with that of Accused No.8. Learned Additional Public Prosecutor thus submits that there is direct involvement of Accused No.8 as found by the investigating

agency. Learned Additional Public Prosecutor states that the case is pending before the Principal Sessions Court, Mulugu and steps are taken for expeditious disposal of case by the Government of Telangana and therefore, the case would be disposed of within no time.

13. Having considered the submissions thus made, the material that is brought on record and considering the points raised by the learned Senior Counsels appearing for Accused Nos.1 & 2, this Court is of the view that the request of Accused Nos.1 & 2 can be honoured, however, conditionally.

14. Resultantly, the Criminal Petitions, so far as Accused Nos.1 & 2 are concerned, are allowed with the following conditions:-

- (i) The petitioners/Accused Nos.1 & 2 shall be enlarged on bail on their executing a personal bond for Rs.1,00,000/- (Rupees One Lakh only) each with two sureties for like-sum each to the satisfaction of the Court concerned. The sureties are directed to submit their two latest passport size photographs at the time of furnishing

solvency. One such photograph is ordered to be pasted in the Surety Register against the name of the surety. The other photograph shall be kept in the case record concerned.

- (ii) The petitioners/Accused Nos.1 & 2 shall remain at Hyderabad till conclusion of trial proceedings. They shall report before the Station House Officer, Central Crime Station, Hyderabad, on every Monday, between 10.30 A.M. and 12.00 P.M till completion of trial proceedings.
- (iii) The Station House Officer, Central Crime Station, Hyderabad, shall send a report to the Court of Principal District & Sessions Judge, Mulugu, on or before 10th of every month regarding the attendance of Accused Nos.1 & 2. In case the Court of Principal District & Sessions Judge, Mulugu, finds absence of the attendance of the petitioners/Accused Nos.1 & 2 on any day, the Court is directed to take steps for cancellation of bail granted. In case for any justifiable cause, Accused Nos.1 & 2 are unable to make their appearance before the Station House Officer, Central Crime Station, Hyderabad, they shall intimate the same to the concerned Court and obtain permission for absentinace.

- (iv) The petitioners/Accused Nos.1 & 2 are permitted to leave Hyderabad only for attending the concerned Court on the date of adjournment. Further, Accused Nos.1 & 2 shall furnish their residential particulars at Hyderabad to the concerned Court by filing an affidavit to that effect.
- (v) The contact details of petitioners/Accused Nos.1 & 2 shall also be furnished to the trial Court by filing separate affidavits. The petitioners/Accused Nos.1 & 2 shall contact any other persons only through the contact numbers furnished by them and are precluded for contacting any others through the mobiles of any other persons, including their family members.
- (vi) The investigating agency is granted liberty to collect the call data of petitioners/Accused Nos.1 & 2 timely for monitoring.
- (vii) The petitioners/Accused Nos.1 & 2 should not involve in any unlawful activity.
- (viii) The petitioners/Accused Nos.1 & 2 should not cause the evidence of the offence disappear.
- (ix) The petitioners/Accused Nos.1 & 2 should not tamper with the evidence in any manner.

- (x) The petitioners/Accused Nos.1 & 2 should not by way of inducement, threat or promise, dissuade any person who is acquainted with the facts of the case from disclosing such facts to the Court or to the Police Officer.
- (xi) In case the petitioners/Accused Nos.1 & 2 hold a passport, they shall surrender the same if the same is not seized till now.
- (xii) The petitioners/Accused Nos.1 & 2 should ensure their presence whenever required by the Court or Police.
- (xiii) The petitioners/Accused Nos.1 & 2 shall not leave India without previous permission of the Court concerned.

Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the bail granted.

15. The Criminal Petition, so far as Accused No.8 is concerned, stands dismissed.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date:27.04.2023

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