

THE HON'BLE SRI JUSTICE A.SANTHOSH REDDY

Criminal Petition No. 4306 of 2023

ORDER:

This Criminal Petition is filed under Section 439 Cr.P.C. seeking to enlarge the petitioner/Accused No.17 on regular bail in SC.NO.5 of 2021 on the file of the IX Additional District and Sessions Judge (FTC), Ranga Reddy District at L.B.Nagar in connection with Crime No. 592 of 2020 of P.S. Gachibowli, Cyberabad registered for the offences punishable under Sections 120 B(1), 302, 364, 379, 448, 449, 341, 342, 352, 323 & 506 r/w 34 of IPC.

2. Heard Sri D.Vijaya Kumar, learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State.

3. The case of prosecution is that on 24.09.2020 at 18.35 hours, LW1 Chintha Avanthi Reddy/de-facto complainant lodged complaint with police stating that she has an elder brother and her parents did not approve her love affair with one Chintha Yoga Hemanth Kumar whom she married on 10.06.2020 against the will of her father who was finding alliances for her, which made her to marry Hemanth Kumar

without his consent and after marriage they took up separate rented home in London Kids Play School TNGO's Colony, Phase-II, Gachibowli, Cyberabad and on 24.09.2020 at about 14.30 hours her relatives A.Ranjith Reddy (A9), his wife Spandana(A15), Rakesh Reddy(A10), Vijender Reddy(A8), Santhosh Reddy(A13), Swapna(A16), K.Sandeep Reddy(A14), G.Yugender Reddy(A1), Rajitha(A12), Saheb Patel(A17), who is their driver along with others came in three cars, criminally trespassed into their rented house and beat both of them and took into a I.20 Car of Rakesh Reddy(A10) and forcibly made them to sit on the back seat of the car driven by Saheb Patel(A17) with Ranjith Reddy sitting in front seat and Vijender Reddy(A8) sitting beside her and Hemanth(deceased). Both of them were informed that they were going to her father's house at Lingampally to talk to them regarding their marriage and when the car reached Gopanpally X Roads, they observed that the car was not going towards Lingampally side but going towards outer ring road and when the car took diversion, they suspected some foul play and they panicked and jumped down from the car and ran backward towards Lingampally to escape from the accused but the other accused who came in white Swift Car

along with Yugender Reddy(A1) and others got down from it and beat her husband and forcibly kidnapped him in the said car and went towards Outer ring road and remaining persons who came in I.20 Car driven by Saheb Patel (A17) and read colour Breeza Car with Ranjith Reddy, Rakesh Reddy, Vijender Reddy, Rajitha, Sapndana, Swapna and Sanothsh Reddy tried to catch hold of her and meanwhile, her father-in-law, Murali Krishna and mother-in-law Lakshmi Rani (LWs.2 and 3) came to Gopanpally X Roads to rescue her, but said persons threatened them to kill and abused them in filthy language and left her and went away in their cars. She further stated that all the above persons at the instigation of her father kidnapped her husband and beat him. Basing on the said complaint, a case in Crime No.592/2020 under Sections 365 452, 509, 323, 506 r/w 34 IPC was registered and investigated into.

4. During the course of investigation, LW76, recorded the confessional statement of A1, A6 and A18, who confessed that they along with other accused forcibly abducted LW1 and her husband, and when LW1 and her deceased-husband Hemanth jumped from the car, Accused No.5 and 7 with the

assistance of other accused persons i.e., Accused No.8, 9, 10, 12 to 17 abducted the deceased-Hemanth and murdered him by strangulation at open plots situated at Kistaigudem Village on the outskirts of Sanga Reddy Town and threw the body in the said open plots. After completion of investigation, police filed charge sheet, which was numbered as PRC.No.149 of 2020 and committed to the Court of Sessions, and the same was numbered as SC.No.5 of 2021 and is pending on the file of IX Additional District and Sessions Judge (FTC), Ranga Reddy District at L.B.Nagar.

5. Learned counsel for petitioner/Accused No.17 submits that the Sessions Case is in advanced stage and the petitioner is only a driver and there are no specific allegations of his involvement in the alleged commission of offence. He further submits that the main accused are already enlarged on bail and the case of the petitioner may be considered for grant of bail.

6. On the other hand, learned Additional Public Prosecutor opposed grant of bail and filed counter stating that the petitioner/accused No.17 accompanied with the main accused in the commission of offence i.e., while

kidnapping the deceased and also subsequent to the murder of the deceased. He further submits that case is being given hearing schedule and that majority of the witnesses were examined, and if the petitioner is released on bail, there is every chance of his influencing the witnesses and prayed to dismiss the petition.

7. A perusal of the record discloses that the trial in SC.No.5/2021 is going on day to day basis, and that the other accused No.s 3, 9, 10, 11, 12, 13, 15, 16 & 18 were already released on bail. The record further discloses that the prime witnesses were already examined, which is not disputed by the prosecution.

8. Considering the facts and circumstances of the case and taking into consideration the submissions made by the learned counsel for the petitioner, and since prime witnesses were already examined before the trial Court, this Court is inclined to grant bail to the petitioner.

9. Accordingly, this Criminal Petition is allowed and the petitioner/accused No.17 is granted bail subject to the following terms and conditions:

- (1) The petitioner/accused No.17 shall be released on bail on his executing a personal bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each to the like sum to the satisfaction of the IX Additional District and Sessions Judge, (FTC), Ranga Reddy District at L.B.Nagar, subject to the requirement of attendance of the petitioner/Accused No.17 before the trial Court.

10. Consequently, miscellaneous applications, if any, pending, shall stand closed.

A. SANTHOSH REDDY, J

04th May, 2023.

gra

THE HON'BLE SRI JUSTICE A.SANTHOSH REDDY

Criminal Petition No. 4306 of 2023

04th May, 2023.

gra