

THE HONOURABLE SRI JUSTICE SAMBASIVA RAO NAIDU

CRIMINAL PETITION No.4688 OF 2023

ORDER:

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 seeking to enlarge the petitioners/accused Nos.9 and 14 on bail in connection with S.C.No.8 of 2023 pending on the file of the learned Principal District and Sessions Judge, Mulugu, registered for the offences punishable under Sections 302, 120-B, 109, 212 read with Section 34 of Indian Penal Code.

2. Heard learned counsel for the petitioners/accused Nos.9 and 14 and learned Additional Public Prosecutor representing the respondent-State.

3. The brief facts of the case of the prosecution are that Accused Nos.1 to 3 hatched a plan to murder the deceased Mulagundla Mallareddy because of their land disputes leading to various civil suits and criminal cases. They in turn contacted accused No.4 to execute their plan and agreed to pay Rs.18 lakhs to accused No.4 in order to commit the offence. Further accused No.4 contacted accused No.6 and his gang members viz., accused Nos.8, 9 and 12 and gave the

said contract of murder of the deceased to them. Accused No.1 informed the plan of murdering the deceased to his son viz., accused No.5, who in turn agreed to the conspiracy. But accused Nos.6, 8, 9 and 12 dodged time for almost one year. Then because of the pressure from accused Nos.1 to 3, accused No.4 introduced accused No.7 to execute the murder and they paid 2.5 lakhs as an advance. Further accused No.4 introduced accused No.11 to accused No.6 and ask them to add him in their gang in execution of the murder of the deceased. The accused No.10 provided the vehicle to the hired gang for the purpose of rekky of the movements of the deceased. On the day of offence accused No.9 and 14 rekkied the movement of the deceased and passed the information to the other gang members viz., accused Nos.6, 8, 11 and 12, who in turn murdered the deceased at the Pandikunta Cross Road at around 18.40 hrs. The accused No.13 aided the accused Nos.6, 8, 11 and 12 for escaping after the commission of the offence and also provided the logistics. Accused No.14 gave the crime weapon to accused No.8 and also rekkied the movement of the deceased on the day of offence and passed the information about the same to other

gang members. Accused No.15 aided accused No.9 and accused No.14 by providing shelter to them after commission of offence and further transferred money to accused No.6.

4. Learned counsel for the petitioners/accused Nos.9 and 14 submitted that the accused No.4, was already released on bail vide this Court order dated 04.05.2023 in CrI.P.No.4280 of 2023. He further submitted that the petitioners/accused Nos.9 and 14 are in judicial custody since 06.08.2022 and prayed to release the petitioners on bail.

5. Learned Additional Public Prosecutor appearing for the respondent opposed the bail application.

6. On perusal of the record, it seems that the investigation has already been completed and charge sheet has already been filed, which was numbered as S.C.No.8 of 2023. Allegation against the petitioners/accused Nos.9 and 14 is that they have passed on information over the movements of the deceased to the other accused to facilitate them to commit the offences.

7. Taking into consideration the allegation against the petitioners-accused Nos.9 and 14, they can be enlarged on bail on certain conditions.

8. Resultantly, this Criminal Petition is allowed with the following conditions:-

(i). The petitioners/accused Nos.9 and 14 shall be enlarged on bail on their executing personal bonds for a sum of Rs.25,000/- (Rupees Twenty Five Thousand 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.9 and 14 shall remain at their respective districts till conclusion of the trial proceedings. They shall appear before the Court concerned on every date of hearing till completion of trial proceedings.

(iii). The petitioners/accused Nos.9 and 14 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

JUSTICE SAMBASIVA RAO NAIDU

18th May, 2023.
DUA/SVL

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