

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3196 OF 2024

ORDER:

This Criminal Petition is filed by the petitioners – Accused Nos.5 to 7 under Section 438 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”), to release them on anticipatory bail in Crime No.617 of 2023 of Nacharam Police Station, Medchal – Malkajgiri District, registered for the offences punishable under Sections 364, 302, 201 read with 34 of Indian Penal Code, 1860 (for short, ‘IPC’)

2. The case of the prosecution in brief was that on 04.12.2023 at 13:15 hrs, the mother of the deceased lodged a report about the missing of her son aged 21 years. She stated that on 02.12.2023 at 21:00 hrs, her younger son left home stating that he was going to Yadagirigutta along with his school friends but did not return home. On 03.12.2023 at 9:00 hrs, when she made a call to her son, he stated that he was in Yadagirigutta but after sometime his phone remained switched off.

3. Basing on the said report, the above crime was registered by the Sub-Inspector of Police of Nacharam Police Station in Crime No.617 of 2023 as man missing. Subsequently, on collecting the call detail record of the mobile phone of the missing person they found his movements at Perkalapudi village, Duggirala mandal at Guntur District. The police came to know through the complainant that her son was having a love affair with a girl for the past 1 ½ years and he disclosed it to his mother. However, he informed her that six months back she was married to another boy as per the wish of her parents but she got separated from her husband. She also suspected the role of the relatives of that girl in the disappearance of her son.

4. The Police made enquiries at Perkalapudi village and came to know that the house of the maternal grandparents of that girl was at perkalapudi village and alerted the Duggirala police and issued look out notices to locate the missing man. The police during the course of investigation called the father of that girl by name Dharma Raju (Accused No.1) to the police station on 11.12.2023 but he did not reveal any information about the missing man but he was kept under surveillance. On 16.12.2023, the police came to know that the

said Dharma Raju met the elder brother of the deceased and disclosed that the missing man was liquidated and warned the complainant not to press for her complaint. On credible information that accused No.1 and his brother and father in law assembled at Shanti Nagar, Mallapur, the Sub-Inspector of Police of Nacharam Police Station proceeded to the said place and apprehended the accused Nos.1, 3 and 4 at 11:00 hrs and produced before the Inspector of Police of Nacharam Police Station. On interrogation, they admitted their guilt that they killed the missing person by name Hari Haran by drowning him. Subsequently, they were produced before the Court for Judicial Custody.

5. Heard the learned counsel for the petitioners-Accused Nos.5 to 7 and the learned Additional Public Prosecutor for the respondent-State.

6. Learned counsel for the petitioners/accused Nos.5 to 7 submitted that there were no eye witnesses to the incident and there was no evidence collected by the Investigating Officer to prove the involvement of the petitioners. The petitioners were women and house hold ladies and prayed to enlarge them on anticipatory bail.

7. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioners/accused Nos.5 to 7 stating that the dead body of the deceased is also not traced out till date.

8. Perused the record.

9. Considering that the remand report of accused Nos.1,3 and 4 also would not disclose the role of the present petitioners herein in the commission of the murder of the deceased Hari Haran except stating that the petitioners also conspired along with them to commit the murder of the deceased and except the CDR particulars of the mobile number of the deceased there is no concrete evidence gathered by the investigating Officer and the dead body was not even traced till date, it is considered fit to enlarge the petitioners/accused Nos.5 to 7 on anticipatory bail.

10. Accordingly, the Criminal Petition is allowed directing the petitioners/accused Nos.5 to 7 to be released on anticipatory bail subject to the following conditions:

- i) The petitioners-Accused Nos.5 to 7 are directed to surrender before the Station House Officer, Nacharam Police Station, Medchal – Malkajgiri District, within a

period of (15) days from the date of this order. On such surrender, the said Station House Officer shall release the petitioners on bail, on their executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties for a like sum each to the satisfaction of the said Station House Officer.

- ii) The petitioners/Accused Nos.5 to 7 shall abide by the conditions stipulated in Section 438(2) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Date:22nd March, 2024.
dgr

Dr. G.RADHA RANI, J