

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3610 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner – Accused under Sections 437 and 439 of Cr.P.C. for grant of regular bail in connection with Crime No.108 of 2024 of Hayathnagar Police Station, Rachakonda Commissionerate, registered for the offences under Sections 302 and 201 of IPC.

2. The case of the prosecution in brief was that on 30.01.2024 at 14.00 hours, the wife of the deceased came to the police station, Hayathnagar and lodged a report stating that her husband was found missing from the previous day and they searched for him. On the same day around 13.00 hours while she was searching for her husband, she noticed some people gathered in the open place in front of Hayathnagar graveyard. She proceeded to the said place and found a dead body which was partially burnt and she identified the same as that of her husband as per the clothes worn by him. She noticed that the dhothi and scarf (kanduva) of him were tied to his mouth and the body was partially burnt. She also noticed severe injuries on his forehead and suspected that some unknown persons

killed her husband by throttling his neck with his dhoti and scarf and beat on his forehead and later burnt the same to cause disappearance of evidence, as such, lodged the report.

3. Basing on the said report, the above crime was registered against unknown persons. Subsequently, after recording the statements of LW.5, who was running a belt shop and LW.6, who was having a pan shop in front of Durga Bar and Restaurant, that they noticed the petitioner-accused moving along with the deceased, the police arrested the petitioner on 02.02.2024 and seized his blood stained clothes from his auto and sent them for FSL.

4. Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor for the respondent-State.

5. The learned counsel for the petitioner submitted that no motive was attributed to the petitioner to commit the alleged offences. There was no evidence to show that the petitioner committed the murder of the deceased. Due to police pressure, the petitioner gave confession admitting his guilt. Even as per the complaint and the remand report, the murder was committed by some unknown persons. The police abruptly arrested the petitioner while conducting vehicle

checking and implicated him in the present case without there being any incriminating material against him and without conducting proper enquiry, and prayed to enlarge the petitioner on bail.

6. Learned Assistant Public Prosecutor opposed grant of bail to the petitioner stating that FSL report was awaited.

7. Perused the record. Considering that the petitioner was apprehended on suspicion and there is no prior acquaintance or enmity between the petitioner and the deceased to commit his murder and the only evidence available against the petitioner was that he was last seen with the deceased prior to his death and his innocence or involvement in the offence could be decided only after a full fledged trial and he is presumed to be innocent till the trial is completed, it is considered fit to enlarge the petitioner/accused on bail.

8. Accordingly, the Criminal Petition is allowed and the petitioner – accused shall be released on regular bail subject to the following conditions:

- i) The petitioner – accused shall execute a personal bond for a sum of Rs.30,000/- (Rupees Thirty thousand only) with two sureties for a like sum each to the satisfaction of the learned XIV Additional Metropolitan Magistrate at Hayathnagar.
- ii) The petitioner – accused shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Date:10.04.2024
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Dr. G.RADHA RANI, J