

THE HON'BLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION NO.12471 OF 2024

ORDER:

This Criminal Petition is filed under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner/A.2 in S.C.No.70 of 2019 on the file of Special Sessions Judge for Trial of Cases under SC/ST (POA) Act, Nalgonda.

2. The prosecution alleges that A-1, a member of the Vyshya caste planned murder of his son-in-law, who belongs to Scheduled Caste community. A-1's daughter (P.W.3) and the deceased had eloped and got married. A.1 approached A-5 to kill his son-in-law, A-5 involved A-3 and A-4 and a deal was settled for Rs.1 Crore, while A-6 (younger brother of A.1) helped to raise funds. A-4 and A-8 conducted recce on the movements of deceased. A-7 (A-1's brother-in-law) was also part of the conspiracy. On 14.09 2018, A-3 informed A-2 that the deceased would be visiting Jyothi Hospital, and A-2 subsequently attacked and killed the deceased with a butcher's knife outside the hospital who died on the spot. The police arrested petitioner on 17.09.2018, in Bihar and brought him to Miryalaguda on

20.09.2018 and remanded to judicial custody. Since then petitioner is in jail.

3. Heard Sri N.V.Raghava Reddy, learned counsel for the petitioner/A.2 and learned Additional Public Prosecutor appearing for the respondent-State.

4. The contention of learned counsel for the petitioner is that petitioner is innocent of the offence alleged against him and he has been falsely implicated in this case. Initially petitioner filed a petition U/s 167(2) Cr.P.C. vide CrI.M.P No. 12 of 2018 in Cr. 139 of 2018 on the file of the Special Sessions Judge for trial of cases under SC/ST Act, Nalgonda and same was allowed by order dated 17.01.2019 by imposing certain conditions, one of condition being that he shall execute a personal bond for a Sum of Rs.10,00,000/- (Rupees Ten Lakh only). Aggrieved by the excessive surety amount, Petitioner filed a petition before this Court vide CrI.P.No.4835 of 2019 for reduction of surety amount from Rs.10,00,000/- to Rs.1,00,000/- This Court, vide order dated 22.08.2019 reduced the surety amount from Rs.10,00,000/- to Rs.2,00,000/-, while holding the other conditions unaltered. Further, on the ground that petitioner was accused of slapping his co-accused, A-6, in the Court hall in this case, a case was registered against him vide Cr.No.272 of

2020 for the offences under Sections 341, 358, 323, 290 of I.P.C, which was numbered as C.C.No.65 of 2021 on the file of Principal Junior Civil Judge, JMFC, Nalgonda, resulting in the petitioner's conviction on 24.03.2022, and he was sentenced for a maximum period of one month for the offence under Section 341 of I.P.C, and lesser punishment for the rest of the offences. Having already served the sentences while in jail, the State filed petition for cancellation of statutory bail vide CrI.M.P.No.12 of 2019 and by order dated 13.07.2022, the statutory bail granted was cancelled and the same was upheld by this Court. Learned counsel further contended that inspite of a direction of this Court to complete the trial within two months, the same was not concluded as such, petitioner was granted liberty to move an application for regular bail. Hence, prayed to grant bail to the petitioner.

5. On the other hand learned Additional Public Prosecutor would submit that trial would be completed very soon and prayed to dismiss this petition.

6. Having regard to the submissions made and the material placed on record, the alleged offence against the petitioner is under Section 302 of I.P.C. Petitioner is the prime accused in the said offence, according to the prosecution. The Sessions

case is of the year 2019 and petitioner is in jail from 2018. The total witnesses cited in this case are 101 witnesses, the trial Court examined Pws.1 to 62 and still 40 witnesses are yet to be examined. Considering the long duration of petitioner in jail, and as the material witnesses are already examined, this Court deems it fit to grant bail to the petitioner on certain conditions.

7. Accordingly, the Criminal petition is allowed and the concerned jail authorities are directed to release the petitioner/accused No.2, on bail, subject to the condition that the petitioner/accused No.2, shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two (02) sureties for a like sum each to the satisfaction of learned Special Sessions Judge for Trial of Cases under SC/ST (POA) Act, Nalgonda. Further, petitioner shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous petitions, pending, if any, shall stand closed.

K. SUJANA, J

Date :22.11.2024
Rds

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