

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION Nos.6745, 6746 and 6751 of 2025

COMMON ORDER:

Criminal Petition No.6745 of 2025 is filed by the petitioners/accused Nos.1 to 3, Criminal Petition No.6746 of 2025 is filed the petitioners/accused Nos.4 and 5 and Criminal Petition No.6751 is filed by the petitioner/accused No.6 in Crime No.30 of 2025 of Suryapet (R) Police Station, Suryapet District. Hence, the same are being disposed of by this common order.

2. These Criminal Petitions are filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to, as 'BNSS') seeking bail to the petitioners/accused Nos.1 to 6 in Crime No.30 of 2025 of Suryapet (R) Police Station, Suryapet District, registered for the offences under Sections 103(1) and 61(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to, as 'BNS') and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to, as 'SC/ST (POA) Act').

3. The brief facts of the case are that on 27.01.2025 at 09.00 hours, the *de facto* complainant lodged a complaint stating that his son, by name, Krishna, studied B. Pharmacy and accused Nos.1 to 3 are his close friends. Accused Nos.1 and 3 are the

brothers. His son and the sister of accused No.1, namely, Bhargavi, had been in love for the past three years and decided to marry each other, but the family members of Bhargavi did not accept. As they were majors, they left their respective houses and got married at the Laxmi Narasimha Swamy Temple situated at Gopalaipalli of Narketpally Mandal. At that time, the father of the Bhargavi lodged a complaint before the Suryapet Rural Police Station that his daughter was missing. After that, the son of the *de facto* complainant and Bhargavi went to the Police Station, where counseling was given to the Bhargavi's family, however, they did not accept the marriage. Bhargavi stated that she had married Krishna willingly. Krishna and Bhargavi were living together at the house of Perumalla Salamma, who is the aunt of the *de facto* complainant. The accused persons developed ill-will and threatened to kill his son and the same was informed to him by his son. On 26.01.2025 at about 05.00 p.m., his son left the house on a scooty informing his wife Bhargavi that accused No.2 had called and asked him to come for a discussion. However, he did not return. Bhargavi informed the same to him expressing fear. On 27.01.2025 at morning, he came to know that his son found dead at the edge of a pond, with bleeding injuries on his face, situated at the outskirts of Pillalamarri village. Hence, the complaint.

4. Heard Mr. Posani Venkateswarlu, learned Senior Counsel representing Mr. P.Vivek, learned counsel for the petitioners/accused Nos.1 to 3 in Criminal Petition No.6745 of 2025, Mr. Posani Venkateswarlu, learned Senior Counsel representing Mr. Vasiraju Kalki Charan, learned counsel for the petitioners/accused Nos.4 and 5 in Criminal Petition No.6746 of 2025, Mr. Posani Venkateswarlu, learned Senior Counsel representing Mr. Trichnopoly Ravi Kanth, learned counsel for the petitioner/accused No.6 in Criminal Petition No.6751 of 2025, Mr. V. Raghunath, learned Senior Counsel, representing Mr. Shaikh Mohammed Rizwan Akthar, learned counsel for respondent Nos.2 and 3 in all the criminal petitions, and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent No.1 – State.

5. Learned Senior Counsel for the petitioners submitted that the petitioners have not committed the offence and they were falsely implicated in the present crime. Even according to the complaint, the *de facto* complainant/respondent No.2 himself stated that he is a Pastor in Church. Once a person embraces and converts into Christianity, he ceases to belong to a scheduled caste. Hence, the offence under Section 3(2)(V) of the SC/ST (POA) Act is not applicable to the petitioners.

5.1. He further submitted that accused Nos.4 to 6 were implicated only basing on the confession statement of the other accused. Even on perusal of the complaint, there are no allegations, much less specific allegations against accused Nos.4 to 6 and they were falsely implicated in the present crime. The petitioners were arrested on 29.01.2025 and since then, they were in judicial custody i.e, more than 135 days and the petitioners are entitled for grant of bail. He also submits that the Investigating Officer has not filed application seeking police custody of the petitioners and investigation is completed. The Investigating Officer after conducting investigation filed charge sheet on 24.04.2025 before the Special Sessions Judge for trial of SCs/STs (POA) Act cases-cum-II Additional District and Sessions Judge at Nalgonda. Hence, the question of interfering with the investigation or influencing the witnesses or tampering the evidence by the petitioners does not arise.

5.2. He further submitted that no eye witnesses were examined. The prosecution only relying upon the circumstantial evidence, medical evidence and confessional statements of accused, filed charge sheet. Accused No.5 is a house wife, aged 69 years and suffering with old-age problems and accused No.5 is a student.

5.3. Insofar as pendency of other criminal cases against the petitioners are concerned, the said cases were filed by the neighbours in respect of trespassing the property and theft cases and thus, they will not come in the way to deny for grant of bail in the present crime, especially those cases pertaining to the years 2006, 2007, 2016, 2017, 2019, 2020, 2021, 2023 and 2024.

5.4. He further submitted that the petitioners are ready and willing to appear before the trial Court on each and every adjournment to prosecute the proceedings and they are ready to abide by the conditions, which are going to be imposed by this Court.

5.5. In support of his contention, he relied upon the following judgments:

1. **W.S.V. Satyanarayana v. Director of Tribal Welfare, A.P., at Hyderabad and others¹**; and
2. **Chinni Appa Rao v. State of A.P., Rep. by its Public Prosecutor, High Court of A.P. Hyderabad and another²**

6. Per contra, learned Senior Counsel for respondent Nos.2 and 3 submitted that the petitioners have committed brutal murder. Respondent No.3 and the deceased fell in love with each

¹ (1996) 1 ALT 170

² (2016) 1 ALD (CrI) 545

other and they decided to live together and performed the marriage on 07.08.2024. Accused Nos.1 and 3 are the brothers, accused No.4 is the father and accused No.5 is the grandmother of respondent No.3 and they did not accept their marriage on the ground that they belongs to backward caste and the deceased belongs to scheduled caste, as such, with an intention to eliminate the deceased, they committed the murder of the deceased on 26.01.2025. Respondent No.2, who is none other than the father of the deceased and father-in-law of respondent No.3, lodged the complaint on 27.01.2025 and basing on the said complaint, Crime No.30 of 2025 was registered by the Suryapet (R) Police Station. The investigating officer after conducting investigation filed charge sheet, wherein the role of each accused was mentioned in the commission of offence. If the petitioners are enlarged on bail, there is a serious threat to the life of respondent Nos.2 and 3. The offence committed by the petitioners is serious in nature and it impacts on the society.

6.1. He further submitted that the contentions raised by the learned Senior Counsel for the petitioners that the ingredients of SCs/STs (POA) Act are not attracted against the petitioners on the ground that respondent No.2 is a Pastor is not true and correct, as the status of the community cannot be adjudicated in the

present case and the same has to be decided during the course of trial. He further submitted that the petitioners have involved in other criminal cases. Taking into consideration the gravity of the offence, the petitioners are not entitled for grant of bail.

6.2. He further submitted that the present crime is registered under the provisions of the SCs/STs (POA) Act Cases and as per Section 14(3) of the SCs/STs (POA) Act, the trial Court conclude the trial and disposed of the case by fixing time limit and this Court may be directed to expedite the trial.

6.3. In support of his contention, he relied upon the following judgments:

1. **Virupakshappa Gouda and another v. State of Karnataka and another**³;
2. **Mamta Nair v. State of Rajasthan and another**⁴;
3. **Shakti Vahini v. Union of India and others**⁵;
and
4. **Gudur Sandeep Reddy and others v. State of Telangana, rep. by Public Prosecutor**⁶.

³ (2017) 5 SCC 406

⁴ (2021) 7 SCC 442

⁵ (2018) 7 SCC 192

⁶ (2021) 1 ALT (CrI) 18

7. Learned Additional Public Prosecutor reiterated the very same submissions made by learned Senior Counsel for respondent Nos.2 and 3. He submitted that the petitioners have committed the grave offence and there are specific *overt acts* against the petitioners that they killed the deceased. The petitioners are having criminal antecedents. Taking into consideration the facts and gravity of the offence, the petitioners are not entitled for grant of bail.

8. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that accused Nos.1 and 3 are the brothers, accused No.4 is the father and accused No.5 is the grandmother of respondent No.3 and they belong to backward caste, whereas the deceased belongs to scheduled caste. Respondent No.2 lodged a complaint on 27.01.2025 stating that accused Nos.1 to 3 are close friends to the deceased and accused Nos.1 and 3 are the brothers. Due to their friendship, the deceased got acquaintance with respondent No.3 and they were in love for the past three years and they decided to live together and both were married on 07.08.2024 at Laxmi Narasimha Swamy Temple, Gopalaipally, Narketpally Mandal. The inter-caste marriage of the deceased and respondent No.3 was not accepted by the accused persons. In the

meantime, accused No.4 filed complaint in Suryapet (R) Police Station stating that his daughter i.e., respondent No.3, is found missing and basing on the said compliant, Crime No.301 of 2024 was registered for 'woman missing'. After their marriage, the deceased and respondent No.3 went to the police station and stated that they are majors and got inter-caste marriage as per their will and wish. Accordingly, the police summoned the family members of both sides and made counseling, but the family members of respondent No.3 have not accepted their marriage. The deceased and respondent No.3 started their marital life in the house of LW.3. The deceased informed respondent No.2 about threatening made by the accused. On 26.01.2025 at about 05.00 p.m., the deceased left the house on a scooty informing respondent No.3 that accused No.2 had called and asked him to come for a discussion. However, he did not return. Respondent No.3 informed the same to respondent No.2 and expressing fear. On 27.01.2025 at morning, respondent No.2 came to know that his son found dead at the edge of a pond, with bleeding injuries on his face, situated at the outskirts of Pillalamarri village.

9. As per the remand case diary and charge sheet, accused Nos.1 and 3 to 5 have not accepted the marriage of the deceased and respondent No.3 and they hatched a plan along accused No.2

and decided to do away the deceased at any cost. As per their plan, on 26.01.2025, accused No.2 made a phone call to the deceased at about 16.40 hours to come for a party (davath) and after some time, the deceased went on his scooty to the paddy field of accused No.2 and as per their plan, accused No.2 asked the deceased to leave the place and on that when the deceased started his scooty, accused No.2 sat on the back side of the scooty and caught hold the neck of the deceased and pressed the throat. Due to which, the deceased left the scooty and fell down on the ground and at the same time, accused Nos.1 and 3 rushed there and accused No.3 caught hold the legs of the deceased and accused No.1 throttled him and gave fist blows over the face of the deceased and accused Nos.1 and 3 kicked on his chest and stomach. It is further stated in the charge sheet that with an intention to show the dead body of the deceased to accused No.5, accused Nos.1 and 2 went to Patha Suryapet village in the car, while accused No.3 followed them on scooty of the deceased. It is further stated that on the way, accused No.1 made a phone call to accused No.6 and accused Nos.1 and 2 picked up accused No.6 in the car at his house at Nalgonda and they dropped accused No.6 at Sudeeksha Hospital at Nalgonda, as he is suffering with headache.

10. In the case **W.S.V. Satyanarayana**, the Andhra Pradesh

High court has held that:

15. Sri Nayani Krishna Murthy, learned Counsel for the petitioner pleaded for taking a sympathetic view. I am afraid, this Court cannot assist such person who has not approached this Court with clean hands. Admittedly, the petitioner is born to a Baliya father. Whether his mother belongs either to S.C., S.T. or B.C. does not matter as in my view, social status of the children will go with the social status of the father but not with the mother. It may be true that the husband and wife being one, that concept cannot be extended for secular purposes. Wife becoming on her husband's death, a surviving half of her husband and her becoming the sapinda of her husband is based on spiritual and not on secular considerations. Thus, the off-spring born out of the wed-lock of inter-caste marriages cannot claim the social status of the mother. As held by the Supreme Court in *Bhaiya Lal v. Harikishan Singh* [AIR 1965 SC 1557.] , in order to determine whether or not a particular caste is a Scheduled Caste within the meaning of Article 341, one has to look at the public notification issued by the President in that behalf. Any person who claims that he belongs to the same status by reason of the fact that he belongs to a particular caste which is a sub-caste of the caste declared by the President cannot be accepted unless it is expressly mentioned in the public notification under Article 341(1). An enquiry of this kind would not be permissible having regard to the provisions contained in Article 341.

16. Thus, it is clear that persons belonging to categories of caste indicated under Articles 341 and 342 alone are to be

recognised as Scheduled Caste or Scheduled Tribe. No claim from persons of third categories as provided by the Government of Andhra Pradesh in G.O. Ms. No. 371 dated 13-4-1976 be accepted for the purpose of granting benefits to the children born out of the inter-caste marriages from out of the quota meant for either S.C., S.T. or B. Cs.

11. The issue in the above said judgment pertains to reservation benefits for Scheduled Tribes (ST) and the misuse of these benefits by individuals not genuinely belonging to the ST category. The petitioner, W.S.V. Satyanarayana, a student admitted to an MBA course on a seat reserved for Schedule Tribes, claimed ST status based on his mother's lineage (Konda Kapu community), while his father belonged to the Baliya community, which is not recognized as an ST. The petitioner relied on Government Order (G.O.) Ms. No. 371 dated 13-4-1976, which purportedly allows children born out of inter-caste marriages to claim their mother's caste. However, the High Court ruled that such benefits must align strictly with the Presidential Order under Article 342 of the Indian Constitution, which is the only authority that defines the Scheduled Tribes. The Court held that the social status of the father predominates in determining caste and that the petitioner's claim to ST benefits was not valid. Moreover, the G.O. Ms. No. 371 was declared ultra vires (beyond legal authority) as it conflicts with the Constitution's provisions. The Court emphasized the

necessity to safeguard benefits meant for genuine Scheduled Tribes and prevent exploitation through fraudulent or non-conforming claims.

12. Further, in the case of ***Chinna Appa Rao***, the High Court of Hyderabad quashed the criminal proceedings in P.R.C. No. 5 of 2012, holding that the de facto complainant, who had converted to Christianity and served as a Pastor since 2004, could no longer claim the benefits of Scheduled Caste status under the Constitution (Scheduled Castes) Order, 1950. The case originated from allegations of caste-based abuse and offences under the SC/ST (Prevention of Atrocities) Act, 1989 and IPC, but the police had initially closed the case as a mistake of fact. Upon protest by the complainant, proceedings were revived, but the Court found that the complainant's own statements confirmed his conversion, and hence, he was ineligible to invoke Section 3(1)(x) of the SC/ST Act. Relying on Supreme Court precedents like “*Soosai v. Union of India*”, the Court affirmed that conversion to Christianity removes entitlement to SC protections unless explicitly preserved by law. Additionally, the IPC charges were found to be based on a civil land dispute and lacked prima facie substance. Consequently, the Court quashed the criminal proceedings, cancelled the bail bonds,

and emphasized that justice must prevail over the technical enforcement of the law.

13. The above said judgments relied upon by the learned Senior Counsel for the petitioners are not applicable to the facts and circumstances of the present case, as the status of community of respondent No.2/*de facto* complainant whether he belongs to S.C. community or not is a disputed question of fact and the same cannot be decided while adjudicating bail petition.

14. In ***Virupakshappa Gouda***, the Supreme Court upheld the cancellation of bail granted to a murder accused who had killed a man for marrying one of their daughters against caste norms. The Court found that the trial judge wrongly granted bail despite earlier rejections by higher courts and failed to consider the seriousness of the offence, which stemmed from a so-called “honour killing.” Emphasizing judicial propriety and public interest, the Court dismissed the appeal and ordered the accused to surrender.

15. In the case of ***Mamta Nair***, the apex court has set aside the bail granted by the Rajasthan High Court to the accused Mukesh Chaudhary, who is the appellant's brother and allegedly involved in the honor killing of her husband. The appellant, Mamta Nair, had challenged the High Court's order dated December 1, 2020,

which allowed bail to the accused without providing sufficient reasoning. The incident originated from FIR No. 235/2017, registered under Sections 302, 452, and 120B of the Indian Penal Code, where Mamta's mother-in-law, Rama Devi Nair, had alleged that Mamta's family members killed her son due to disapproval of the marriage. The Supreme Court found that the High Court's decision to grant bail was mechanical and ignored the fact that prima facie evidence against the accused still existed. The Court emphasized that the examination of a single witness, particularly the appellant, did not amount to a significant change in circumstance to justify bail. As a result, the apex court cancelled the bail, directed the accused to surrender before the Sessions Court, and instructed the trial court to complete the proceedings within one year. The appeal was allowed, reaffirming the need for reasoned judicial orders, especially in serious criminal matters.

16. In ***Shakti Vahini***, the Supreme Court held that honour killings are illegal and unconstitutional, asserting that the right to choose a life partner is a fundamental right under Articles 19 and 21. The Court condemned interference by Khap Panchayats and similar bodies, stating they have no authority to impose social sanctions on consenting adult couples. It issued binding preventive, protective, and punitive guidelines for authorities and

recommended specific legislation to curb honour crimes, emphasizing that constitutional morality must override social norms.

17. In the case of **Gudur Sandeep Reddy**, this Court has held that the alleged honour killing of one Chintha Yoga Hemanth Kumar, who had entered into an inter-caste marriage with the de facto complainant, against her family's wishes. The prosecution alleges that the accused, being close relatives of the de facto complainant, conspired with the principal accused, trespassed into the house of the deceased, abducted him, and participated in his subsequent murder. The remand report and statements recorded under Section 161 Cr.P.C. disclose specific overt acts and prima facie involvement of the petitioners in the crime. Considering the seriousness of the offence, the nature of allegations, and the social evil of honour killings, as condemned by the Hon'ble Supreme Court in *Lata Singh v. State of U.P.* and *Shakti Vahini v. Union of India*, this Court finds no ground to grant bail at this stage. The possibility of interference with the ongoing investigation and intimidation of witnesses cannot be ruled out.

18. The Hon'ble Apex Court in **Virupakshappa Gouda** *supra*, while cancelling the bail, which was granted in favour of the prime accused, specifically held that bail granted to a murder accused,

who had killed a man on the ground that he performed inter-caste marriage stemmed from a so-called 'honour killing' should not be given the relief of bail, ordered to surrender. Further, the Hon'ble Apex Court in ***Lata Singh v. State of U.P.***⁷ by considering the seriousness of the offence and the nature of the allegations, condemned the social evil of honour killings, which is also relied on by this in ***Gudur Sandeep Reddy*** *supra*.

19. In the case on hand, there are serious and specific allegations are levelled against accused Nos.1 to 4, which attract the ingredients of Sections 103(1) and 61(2) read with 3(5) of the BNS and in the charge sheet, the Investigating Officer has specifically mentioned the role of accused Nos.1 to 4. Taking into consideration the facts and circumstances of the case, including criminal antecedents of accused Nos.1 to 4, and the gravity of the offence as well as principles laid down by the Hon'ble Apex Court *supra*, this Court is of the considered view that accused Nos.1 to 4 are not entitled for grant of bail.

20. Insofar as accused Nos.5 and 6 are concerned, there are no specific overt acts against them. The allegation made against accused No.5 is that accused Nos.1 to 3 were shown the dead body of the deceased to her. The allegation made against accused

⁷ (2006) 5 SCC 475

No.6 is that accused Nos.1 and 2 picked up accused No.6 in their car and they dropped him at Sudeeksha Hospital at Nalgonda due to his ill-health.

21. Insofar as the criminal antecedents of accused Nos.5 and 6 are concerned, Crime No.256 of 2019 was registered for the offences under Sections 447, 427 and 506 read with 34 of IPC and Crime No.218 of 2020 was registered for the offences under Sections 447, 427, 504 and 506 read with 34 of IPC by the Suryapet (R) Police Station and the punishment for the aforesaid offences is below seven years and as far as accused No.6 is concerned, Crime No.330 of 2022 was registered for the offence under Section 379 of the IPC by the Nalgonda II Town Police Station and the punishment for the aforesaid offence is three years.

22. Taking into consideration the facts and circumstances of the case and as accused No.5 is a woman, aged about 69 years and accused No.6 is a student, and as there are no specific overt acts against them. Hence, this Court is inclined to grant bail to accused Nos.5 and 6 subject to the following conditions:

- (i) Accused Nos.5 and 6 shall be released on bail on their executing personal bonds for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties for a like

sum each to the satisfaction of the Special Sessions Judge for trial of SCs/STs (POA) Cases at Nalgonda.

- (ii) Accused Nos.5 and 6 shall appear before the concerned Court on each and every adjournment to prosecute the case.
- (iii) Accused Nos.5 and 6 shall not contact respondent Nos.2 and 3 and their family members in any manner.
- (iv) Accused Nos.5 and 6 shall surrender their respective passport before the trial Court. If accused Nos.5 and 6 are not having passport, they have to file a sworn affidavit before the trial Court to that extent.
- (v) Accused Nos.5 and 6 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C., presently Section 480(3) of BNSS.
- (vi) If accused Nos.5 and 6 violate any of the conditions, the respondents are entitled to file an application seeking cancellation of bail.

23. Accordingly, Criminal Petition No.6745 of 2025 is dismissed, Criminal Petition No.6746 of 2025 is partly allowed and Criminal Petition No.6751 of 2025 is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J. SREENIVAS RAO, J

Date: 18.06.2025
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