

IN THE COURT OF THE SPECIAL JUDGE FOR TRIAL OF CASES
UNDER SCs. & STs. (POA) ACT-CUM-VIII ADDITIONAL DISTRICT
AND SESSIONS JUDGE, WEST GODAVARI, ELURU.

Present: **Sri S. Kamalakara Reddy,**

Special Judge for Trial of Cases under SCs.&STs. (POA) Act-cum-
VIII Addl. District & Sessions Judge, W.G., Eluru.

Wednesday, the 19th day of October, 2022.

**Crl.M.P.No.586/2022, Crl.M.P.No.587/2022 & Crl.M.P.No.654/2022 in
Cr.No.521/2022 of Eluru II Town P.S.**

Crl.M.P.No.586/2022:-

Between:-

1. Challa Mani Kumar @ Manikanta s/o Satyanarayana, Hindu, Male, 32 years, T.Kapu, Burlavari Street, Kotha Peta, Eluru, Eluru District.
2. Puthi Anjaneyulu s/o Durgarao, Hindu, Male, 29 years, Sri Sainika, Gadivari Street, Kotha Peta, Eluru, Eluru District.

---Petitioners/Accused Nos.2 & 3.

And

The State: S.H.O., Eluru II Town P.S.,
Represented by Additional Public Prosecutor, W.G.Dt., Eluru.

---Respondent/complainant.

Crl.M.P.No.587/2022:-

Between:-

1. Bonu Nageswara Rao @ Nagaiah s/o Appala Swamy, Hindu, Male, 30 years, Sri Sainika, Gadivari Street, Kotha Peta, Eluru, Eluru District.
3. Gadi Ashok Kumar s/o Prasad, Hindu, Male, 33 years, Sri Sainika, Gadivari Street, Kotha Peta, Eluru, Eluru District.

---Petitioners/Accused Nos.1& 4.

And

The State: S.H.O., Eluru II town P.S.,
Represented by Additional Public Prosecutor, W.G.Dt., Eluru.

---Respondent/complainant.

Crl.M.P.No.654/2022:-

Between:-

BonuDurgeswararao @ Durgarao s/o Appalaswamy, Hindu, Male, 35 years,
Gadivari Street, Kotha Peta, Eluru, Eluru District.

---Petitioner/Accused No5.

And

The State: S.H.O., Eluru II town P.S.,
Represented by Additional Public Prosecutor, W.G.Dt., Eluru.

---Respondent/complainant.

These petitions are coming on this day before me for hearing in the presence of Sri V.Amar Srinivas, Smt.M.HemaSundari and Smt.S.V.Madhuri, Advocate for the Petitioners/Accused Nos.1 to 5 in all the Petitions and of Additional Public Prosecutor for the State/Respondent appeared in all the Petitions and upon hearing their arguments, this day, this court made the following:

C O M M O N
O R D E R

Crl.M.P.No.586/2022 is filed by the Petitioners/A.2 and A.3, Crl.M.P.No. 587/2022 filed by Petitioners/A.1 and A.4, whereas, Crl.M.P.No.654/2022 is filed by the Petitioner/A.5 with a prayer to enlarge them on bail.

2. Since all these applications are filed in the same crime number, and the facts and circumstances narrated in the petitions are one and the same, they are clubbed and disposed off with this common order.

3. A.1 to A.4 were remanded to judicial custody by the learned II A.J.M.F.C., Eluru, on 09.09.2022, whereas, A.5 was remanded to judicial custody on 14.10.2022 by the same Magistrate.

4. The facts of the case are as follows:-

a. The deceased was doing flower business. On the night of 03.09.2022 he participated in Ganesh immersion procession. The Accused were also present in the said procession. All the Accused were heavily drunk picked up quarrel with the deceased Rella Vijaya Kumar. Keeping previous disputes in mind pertaining to flower selling business. All the Accused beat him with hands, pressed his neck, beat him with a lock on his head. Due to it, the deceased suffered bleeding injuries all over his body particularly on his head, came to the house, in a reeling condition. He became unconscious. The

complainant who is the wife of deceased took him to Government Hospital, Eluru for treatment. After providing treatment, the deceased was sent to home.

b. Again the deceased suffered nervous pains, and was admitted to hospital. Initially, on the basis of the report given by the complainant, this case is registered as Crime No.521/2022 for the offences U/s.323, 324 r/w 34 of IPC. The deceased unable to recover from the injuries suffered on his head and died. Later, Section of Law has been altered to Section 302 r/w 34 of IPC. All the Accused were arrested and remanded to judicial custody. Their confessional statements were also recorded.

5. Now, A.1 to A.5 moved separate bail applications with a prayer to enlarge them on bail.

6. I heard the petitioner Counsel and the learned A.P.P.

7. The learned A.P.P. would submit that all the Accused beat the deceased with hands and also with a lock on his head, caused bleedings injuries that the investigation is still pending.

8. On the other hand, the counsel for the Petitioners/A.1 to A.5 would submit that the Accused are nothing to do with the offence that few days after to the incident, the deceased Vijaya Kumar died that there were no specific allegations against A.5 and prayed the Court to enlarge the Petitioners/A.1 to A.5 on bail.

9. Now the point for determination before me is:-

Whether the petitioners i.e., A.1 to A.5 be released on bail as prayed for or not?

P O I N T:-

10. I have perused the C.D. file. It is true the alleged incident had taken place on 03.09.2022. The deceased was admitted in the hospital and after recovery, he sent to home. But, he was again admitted to hospital on 06.09.2022 and as he was unable to recover and he died on 07.09.2022 and Section of Law was altered.

11. All the material witnesses in this case viz., L.W.1 to 12 were examined. The arrest of the Accused had taken place in the presence of mediators and their confessional statements were also recorded. A.1 to A.4 are

in judicial custody since 09.09.2022 i.e., for the past 40 days. Whereas, A.5 is in judicial custody since 04.10.2022. Material part of investigation has been completed except obtaining scientific evidence from R.F.S.L., P.M. Report from the concerned doctor.

12. Considering the stage of the investigation, considering the fact that the Petitioners/A.1 to A.4 are in judicial custody since 09.09.2022, I am of the view that the Petitioners/A.1 to A.5 can be enlarged on bail.

Accordingly, the point is answered.

In the result, CrI.M.P.No.586/2022 filed by the Petitioners/A.2 and A.3, CrI.M.P.No.587/2022 filed by Petitioners/A.1 and A.4, and CrI.M.P.No. 654/2022 filed by the Petitioner/A.5 are allowed.

The Petitioners/Accused Nos.1 to 5 are ordered to be released on their executing a bond for **Rs.10,000/- (Rupees Ten Thousand Only)** with two sureties each for a like sum to the satisfaction of the learned II Additional Judicial Magistrate of I Class, Eluru.

- a) After release, the Petitioners/Accused Nos.1 to 5 are directed to follow the conditions mentioned below:
 - i) The Petitioners/Accused Nos.1 to 5 shall appear before the S.H.O., Eluru II Town P.S., on every Friday between 10.00 A.M., to 1.00 P.M., for a period of one month;
 - ii) The Petitioners/Accused Nos.1 to 5 shall not involve in any crime, shall not influence any witness, shall not tamper any evidence;
 - iii) The Petitioners/Accused Nos.1 to 5 shall appear before the trial Judge on every adjournment unless their presence is dispensed with by the trial Judge.

Dictated to the Grade-I Stenographer, corrected and pronounced by me in open Court, this the 19th day of October, 2022.

Sd/- S.Kamalakarareddy,
**SPECIAL JUDGE FOR TRIAL OF CASES
 UNDER SCs & STs (POA) ACT CUM VIII
 ADDITIONAL DISTRICT & SESSIONS
 JUDGE, WEST GODAVARI, ELURU.**

Copy to

- 1) The II Additional Judicial Magistrate of I Class, Eluru.
- 2) Station House Officer, Eluru II Town Police Station.
- 3) Sri V.Amar Srinivas, Smt.M.Hema Sundari and Smt.S.V.Madhuri,
Advocate for the Petitioners/Accused Nos.1 to 5.

// T.C.F.B.O.//

*Chief Administrative Officer,
VIII Addl.Dist. & Sessions Judge,
West Godavari, Eluru.*