

**IN THE COURT OF THE III ADDITIONAL DISTRICT & SESSIONS JUDGE,
KURNOOL at NANDYAL.**

**Present:- Sri P. Vasu,
III Additional District & Sessions Judge,
Kurnool at Nandyal,**

Dated: Friday, this the 11th day of November, 2022

Crl.M.P.No.296 of 2022
(Crime No.299 of 2022 of Nandyal Taluk Police Station)

Muttukuri Lakshmana @ Lakshman Mutukuru, S/o. Dharma Rao,
Age: 33 years, R/o. Santhagudipadu Village,
Rompicherla Mandal, Palanadu District.

... **Petitioner/Accused**

Vs.

The State rep., by the Station House Officer,
Nandyal Takuk (U) Police Station.

... **Respondent/Complainant**

This Petition was coming on 10-11-2022 for hearing before me in the presence of Sri V. Krishna Lingaiah, Advocate for the Petitioner/Accused and Sri M. Thirupathi, learned Additional Public Prosecutor for the State, having heard on both sides, having perused the material papers available on record and having stood over for consideration till this day, this Court made the following:

ORDER

This is a bail application filed under Sec.439 of the Code of Criminal Procedure on behalf of the Petitioner/Accused to release him on bail involved in the above case in Cr.No.299/2022 of Nandyal Taluk Police Station for the offences under Sec.302 and Sec.201 of I.P.C.

2. The brief grounds sought for grant of bail are that :-

“The Petitioner/Accused has not committed any offence as he is innocent and falsely implicated in this case and as per the contents of complaint, it is nowhere revealed about the prior intimacy of the Petitioner/Accused with the de-facto complainant and how she identified and mentioned his name in the report and that the de-facto complainant did not give report either at Railway Station about missing of her deceased husband or at the concerned Police Station

at Panyam or Nandyal in respect of threatening of the Petitioner / Accused and the contents of the complaint reveals as if the de-facto complainant is the eye witness which shows falsity in the contents of the complaint and that the de-facto complainant never made any complaint in Railway Police Station or in any Police Station and how the police could identify the address particulars of the de-facto complainant in which circumstances it shows that the de-facto complainant, in order to save herself, thrown the case against the Petitioner / Accused and that the Petitioner having movable and immovable properties as such there is no possibility to abscond and he is ready and willing to furnish sureties to the satisfaction of the Court and hence prayed the Court to grant bail to the Petitioner/Accused.”

3. The case of the Prosecution, in brief, are that :-

“The defacto complainant being native of Phanidam village, Sattenapalli mandal of Guntur District was given in marriage to one Hanumaiah of Mallaram village through whom she blessed with one son and one daughter and that the de-facto complainant and her husband were separated long back i.e., 17 years back and she is living with her brother-in-law by name Vipparla Ram Gopal Rao and that her children are living with the said Ram Gopal Rao and they are living as husband and wife and that said Ram Gopal Rao is working as Driver whose 1st wife by name Pushpalatha was separated from him and living with her children in Vaikuntapuram near Amaravathi and that the de-facto complainant is suffering from ill-health since three months as such she along with her husband i.e., the above said Ram Gopal Rao and her maternal uncle by name Musalaiah in order to have ‘*Thayatthu*’ in Ammavari temple in Panyam village of Nandyal District came to Nandyal by train at about 3.30 A.M. i.e., after mid-night and on 21.08.2022 i.e., Sunday at about 9 A.M in the morning the de-facto complainant along with her husband and maternal uncle went to the above said Ammavari temple in Panyam at which time the Petitioner / Accused being resident of Santhagudipadu village of Rompicherla Mandal of Palnati District came to the temple threatened to kill him as he is waiting for Ram Gopal Rao since one year as the said Ram Gopal Rao destroyed the family of Petitioner / accused whose wife along with children left him at which time her maternal

uncle separated them and thereafter they came to Railway station in an auto and questioned her husband as to why disputes taken place with the Petitioner / Accused for which the said Ram Gopal Rao abused her and went away with angry and he did not return and then she along with her maternal uncle went away to their village and while it is so, on 23.08.2022 the de-facto complainant received a phone call from Nandyal Police Station stating that the dead body of de-facto complainant's husband is lying near Kundu river for which she along with her maternal uncle, her elder brother by name Krishnaiah and her brother-in-law i.e., Vipperla Nagaraju came down to Nandyal and found her husband's dead body in decomposed state and identified by recognizing the clothes wore and expressed before police that the Petitioner / Accused killed her husband as he has illegal intimacy with the wife of the Petitioner/Accused and on the complaint of de-facto complaint, a case was registered in Cr.No.299/2022 of Nandyal Taluk P.S for the offences as noted in the first para of this Order and during course of investigation the Petitioner/Accused was produced before the learned Judicial Magistrate of First Class, Nandyal on 25-08-2022 for remand."

4. Heard on both sides.

5. The learned Counsel for the Petitioner/Accused argued that the de-facto complainant is not an eye witness to the occurrence of offence and that the Petitioner / Accused is no way concerned to the alleged offence as he is innocent and almost investigation is completed and that the Petitioner / Accused is ready and willing to furnish sureties and hence prayed to grant bail to the Petitioner / Accused.

6. On the other hand the learned Addl. Public Prosecutor, after receipt of notice, opposed for grant of bail by producing C.D. along with requisition given to him by the Investigating Officer to oppose bail and submitted that the deceased was having illegal intimacy with the wife of the Petitioner / Accused and that the investigation is pending for examination of some more witnesses and the contents of complaint speaks about the involvement of the Petitioner / Accused in the offence and hence opposed

for bail.

7. Now the point for consideration is :-

“Whether this bail application be allowed to release the Petitioner/Accused on bail or not ?”

8. **POINT :-**

On perusal of material available on record including the FIR, complaint, Remand Report and other material available including the C.D. and requisition produced before the learned Addl. Public Prosecutor given to him by the Investigating Officer to oppose bail, it discloses that the Petitioner/Accused was produced before the learned Judicial Magistrate of First Class, Nandyal on 25-08-2022 for remand and since then he has been in judicial custody for the last 79 days as on today and as seen from the requisition and other material and arguments of learned Addl. Public Prosecutor, it is not just and proper to keep the Petitioner / Accused in custody as because he has been in custody for the last 79 days as on today as such it is just and proper to release the Petitioner / Accused on bail.

In the result, this bail application is allowed and thereby the Petitioner / Accused shall be released on bail on his executing a personal bond for Rs.20,000/- with two sureties for the likesum each to the satisfaction of learned Judicial Magistrate of First Class, Nandyal.

Partly dictated to the Stenographer, typed by him and Partly typed by me, corrected and pronounced by me in open Court *in V Additional District and Sessions Judge's Court sitting at Allagadda,,* on this the 11th day of November, 2022.

**III ADDL. DIST. & SESSIONS JUDGE,
Kurnool at Nandyal.**

Copy to:

- 1) The learned Judl. Magistrate of First Class, Nandyal.
- 2) The S.H.O. of Nandyal Taluk Police Station.
- 3) The learned counsel for the Petitioner / Accused.

Crl.M.P.No.296/2022
Cr.No.299/2022 of Nandyal Taluk P.S.

5

III Addl.Dist & Sessions Judge's Court,
Kurnool at Nandyal, Dt.11-11-2022.