

**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: Tuesday, this the 13th day of December, 2022

Crl.M.P.No.324 of 2022
(Crime No.116 of 2022 of Mahanandi Police Station)

1. Shaik Baba Fakruddin @ Babu @ Sandeep,
S/o. Shaik Mohammed Hussain,
Age: 26 years, R/o. Eswar Nagar Colony,
Mahandi Village and Mandal,
Nandyal District.
2. Mandla Venu, S/o. Mandla Naganna,
Age: 21 years, N/o. Diguvametta village,
Giddalur Mandal, Prakasham District,
Presently R/o. Eswar Nagar Colony,
Mahanandi Village and Mandal,
Nandyal District.

... **Petitioners/A1 & A.3**

Vs.

The State rep., by the Station House Officer,
Mahanandi Police Station.

... **Respondent/Complainant**

This Petition was coming on 12-12-2022 for hearing before me in the presence of Sri S. Madduleti Reddy, Advocate for the Petitioners/A.1 and A.3 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 Petitioners/A.1 and A.3 to release them on bail involved in the above case in Cr.No.116/2022 of Mahanandi Police Station for the offences under Sec.302, Sec.201 r/w Sec.34 of the I.P.C.

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

“The Petitioners/A.1 and A.3 have not committed any offence as they are innocents and no way connected to the alleged offence in the above case and falsely implicated in this case by the defacto complainant being the mother of the deceased even though they have no connection with the alleged offences and a complaint was given on suspicion basing on the phone call of one Ananthamma and that the investigation is completed as all the material witnesses are examined and that the Petitioners / A.1 and A.3 are bread winners for their families and that they are ready and willing to furnish sureties to the satisfaction of the Court and hence prayed the Court to grant bail to the Petitioners/A.1 and A.3.”

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

“The defacto complainant being resident of Eswar Nagar colony of Mahanandi village living by doing sweeping work in Babu Tourist Rooms in Mahanandi village and she is having two sons and three daughters and among them one son by name Sangati Ramu's marriage was performed with A.2 about seven years back who belongs to Balapanur village of Panyam Mandal and that the house of the 1st Petitioner / A.1 situated at some distance from the house of the de-facto complainant and that the said A.2 having illegal contact with the 1st Petitioner / A.1 which came to know to the de-facto complainant's son and since then they both used to quarrel with each other and accordingly A2 went to her parents' house at Balapanur village about one year back with two daughters saying that she will not lead marital life with the de-facto complainant's son and thereafter A2 alone living in Nandyal by leaving her two daughters in her parents' house and when the de-facto complainant's son by name Ramu requested A2 through phone that when she is not willing to lead marital life with him and let her live with with the 1st Petitioner / A.1 by giving divorce to him for which she replied that she will do away his life through 1st Petitioner / A.1 and while it is so, on 03-09-2022 at about 5 P.M. made a phone call to her son by name Ramu questioning about issuance of lawyer's notice for giving divorce by abusing in filthy language and also uttered that she will get the de-facto complainant's son Ramu be killed through 1st

Petitioner / A.1 which intimation given to the de-facto complainant and that at about 9-30 P.M. the 2nd Petitioner / A.3 and one Yeswanth @ Yellesu belongs to the same street came with the motorcycle of 1st Petitioner / A.1 and took her son for the purpose of consumption of liquor and on the same day at about 11-30 P.M. the de-facto complainant's daughter by name Ananthamma made a phone call to the de-facto complainant stating that the above said Ramu informed her that the 1st Petitioner / A.1 is quarreling with him and he can do anything and again thereafter she made a phone call to the said Ramu but it was made switched off and immediately she along with her son and nephew went in search of said Ramu and in the meanwhile the above said Yellesh informed that the deceased Ramu was taken to Venkatalakshmi's @ Goudama's tea bunk by him and the 2nd Petitioner / A.3 on the motor bike of 1st Petitioner/A.1 from where they took the said Ramu towards temple and where A.4 was also joined with them and thereafter they went in search of said Ramu and found that Ramu was died lying in front of the banana garden of Boya Prathap situated near Telugu Ganga Sub Colony adjacent to Kasinayana Ashramam with injuries and on the complaint of the de-facto complainant, a case was registered in Cr.No.116/2022 of Mahanandi P.S. for the offences as noted in first para of this order and during investigation the Petitioners / A.1 and A.3 were produced before the learned Judicial Magistrate of First Class, Nandyal on 12-09-2022 for remand."

4. Heard on both sides.

5. The learned Counsel for the Petitioners/A.1 and A.3 argued that entire investigation is completed and the Petitioners/A.1 and A.3 have been in judicial custody for the last 90 days as on today and that the Petitioners/A.1 and A.3 are ready and willing to furnish sureties to the satisfaction of the Court and hence prayed to grant bail.

6. The learned Addl. Public Prosecutor, after receiving 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 investigation is not yet completed for examination of some other witnesses

and hence prayed to dismiss the petition.

7. Now the point for consideration is :-

“Whether this bail application be allowed to release the Petitioners / A.1 and A.3 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 Petitioners / A.1 and A.3 were produced before the learned Judicial Magistrate of First Class, Nandyal on 12-09-2022 for remand and since then they have been in judicial custody for the last 93 days as on today and as seen from the requisition and other material and arguments of learned Addl. Public Prosecutor, there is no progress in the investigation as such it is not just and proper to keep the Petitioners/A.1 and A.3 in custody as because they have been in custody for the last 93 days as on today as such it is just and proper to release the Petitioners/A.1 and A.3 on bail.

In the result, this bail application is allowed and thereby the Petitioners/A.1 and A.3 shall be released on bail on their executing a personal bond for Rs.20,000/- each with two sureties for the likesum each to the satisfaction of learned Judicial Magistrate of First Class, Nandyal.

Typed by me, corrected and pronounced by me in the open Court on this the 13th 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 Mahanandi Police Station.
- 3) The learned counsel for the Petitioners/A.1 and A.3.

Crl.M.P.No.324/2022
Cr.No.116/2022 of Mahanandi P.S.

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III Addl.Dist & Sessions Judge's Court,
Kurnool at Nandyal, Dt.13-12-2022.