

IN THE COURT OF II ADDL. DISTRICT AND SESSIONS JUDGE, GUNTUR.

Present: Ms.A.Vasanthi,

II ADDITIONAL DISTRICT AND SESSIONS JUDGE, GUNTUR.

Monday, this the 8th day of February, 2021

CrI.M.P.211/2021 in Cr No.164/2020 of Rajupalem P.S.,

Between:-

- 1.Kumba Sreenu @ Pappu Sreenu, (A1)
S/o.Venkata Rao, aged about 48 years, Yerukala,
R/o.Yanadi Colony, Ganapavaram village, Rajupalem Mandal,
Guntur District.
- 2.Kumba Venkateswarlu, (A2) S/o.Venkata Rao,
aged about 50 years, Yerukala, R/o.S.T.Colony, Ganapavaram village,
Rajupalem Mandal, Guntur District.
- 3.Kumba Sambaiah, (A5)
S/o.Venkateswarlu, aged about 25 years, Yerukala,
R/o.S.T.Colony, Ganapavaram village, Rajupalem Mandal,
Guntur District.
- 4.Nallagonda Suleman, (A7)
S/o.Sambaiah, aged about 35 years, Yerukala,
R/o.S.T.Colony, Ganapavaram Village, Rajupalem Mandal,
Guntur District.

... **Petitioners/A1, A2, A5 and A7**

-AND-

The State : S.H.O., Rajupalem P.S.

Rep., by its Addl.P.P. Guntur.

... **Respondent/Complainant.**

This petition came before this court through Blue Jeans App. on 05.02.2021 for hearing in the presence of Sri Sk.Gouse Basha, Advocate for the petitioners and of the learned Addl.P.P for Complainant, and upon perusing the record, this court made the following :

ORDER

This is an application filed by the petitioners / A1, A2, A5 and A7 u/Secs.437 and 439 Cr.P.C, seeking regular bail to them in Cr.No.164/2020 of Rajupalem P.S., for the offences punishable u/Secs.307, 341, 302, 323 r/w.34 IPC.

2. Notice given to the learned Addl. Public Prosecutor through Whats App. Heard both sides through video conference.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and falsely implicated in this case due to some private disputes between the parties and that the F.I.R is belated and there are no specific allegations made against them and that and they will co-operate with the investigating agency and that they are having fixed place of abode and that the material part of investigation is completed, except filing charge sheet and hence prayed the Hon'ble Court to grant bail to the petitioners.

4. The learned Addl.P.P., strictly opposed bail to the petitioners, submitting that the investigation is in progress and prayed the Hon'ble Court to dismiss the petition.

5. The point for consideration is -

Whether the petitioners are entitled for grant of regular bail?

6. **POINT :**

This is a case of murder, attempt to murder, caused obstruction and simple injuries, that occurred on the night of 24.11.2020 at about 8.30 p.m., at the scene of offence situated at 1st lane, Yanadi Colony, Ganapavaram village of Rajupalem Mandal, Guntur District and reported the same before the concerned P.S on 25.11.2020 at 1.00 a.m., by the defacto complainant viz., Mata Venkateswarlu, who is also one of the victim and also son of the deceased viz., Mata Nagabhushanam, complained that he is studying 10th standard at Ganapavaram High School and his parents are doing petty business i.e.

selling of colour chicks by roaming village to village and used to come home for 10 to 15 days and that in the absence of his parents, on 15.11.2020 on the occasion of Deepavali festival, while he was firing crackers, mistakenly one fire spark fell on the saree of neighbour lady viz., Kumba Anasuyamma and burnt her saree in part, for which she along with her relatives abused him and he replied that the said occurrence was happened due to mistake and further on 23.11.2020, his parents came down to village and on the next day i.e. 24.11.2020 at about 7 p.m., daughter in law of Anasuyamma, namely Lakshmi, started abusing the defacto complainant, when his mother went to her nearer and requested not to abuse her child and tried to convince her, for which she became grew wild and threatened her with dire consequences and also stated that how his child move in this area and later his mother informed the same to his father and after his father returned to home and all of them were in the house at about 8.30 p.m., A1 to A8 came to their house in the auto of A1 and among them initially, A1 caught hold the shirt of the defacto complainant and dragged him to cement road and in the mean time some of the accused picked up stones on the road and pelted on him and thereby caused bleeding injury on his head and when his father intervened in order to rescue him, A2 also beat his father over his right eye with stone harshly and his father received deep bleeding injury and A1 also beat his father on the head of his father and the remaining accused beat his father with hands and legs indiscriminately and when his mother intervened in order to rescue her husband, A3, A4, A6 and A8 were beat his mother with hands and torn her nightie and on hearing of their alarms, neighbours came and rescued them and later he went to R.M.P hospital for treatment and later his parents were going to hospital for treatment, all the accused again attacked his parents and beat them indiscriminately with hands and legs, for which his father fell down and became unconscious and later they shifted his father to Government Hospital, Sattenapalli, where the doctors examined his father and declared that he was brought dead.

On perusal of the case diary and other material on record, a prima facie case is made out against the petitioners and that these petitioners were arrested on 27.11.2020 and since then they have been in judicial custody. So far, the prosecution have examined as many as 13 witnesses including mediators and panchayatdars. As per the version of the prosecution, they have to examine some more material witnesses and they have to secure some crucial documents from the concerned authorities. At this stage, if these petitioners are released on bail, there is every possibility to tamper the evidence and also threaten the witnesses including the defacto complainant, who is minor and lost his father in the alleged occurrence.

Considering the above findings as well as the stage of the investigation and gravity of offences, this court is of the considered opinion that it is not a fit case to allow the petition at this stage.

7. In the result, the petition is dismissed.

Typed to my dictation, corrected and pronounced by me this the 8th day of February, 2021.

Sd/-A.Vasanthi
II Addl. District Judge,
Guntur.

Copy through Electronic media to:

- 1.The II Additional Junior Civil Judge, Sattenapalli.
- 2.The Addl.Public Prosecutor, II ADJ Court, Guntur.
- 3.The S.H.O., Rajupalem P.S.
- 4.Sri Sk.Gouse Basha, Counsel for petitioners, 96662 58703