

HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE: CrI.A.No.26 of 2024

PROCEEDING SHEET

Sl. No	DATE	ORDER	OFFICE NOTE
09.	03.11.2025	<u>KL, J & VRKR, J</u> <u>I.A.No.2 of 2024</u> Heard Mr.Nageswara Rao Chittar, learned Senior Counsel representing Mr.Gunturu Sushanth Kumar, learned counsel for the petitioner/appellant No.2/accused No.2 and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor. Petitioner herein is accused No.2 in S.C. No.124 of 2019 on the file of the learned Principal Sessions Judge, Bhadradi Kothagudem. <i>Vide</i> the impugned judgment dated 14.12.2023, the learned trial Court convicted the petitioner herein for the offence punishable under Section 120B of IPC and sentenced him to undergo life imprisonment. Admittedly, this is the second bail application filed by the petitioner. <i>Vide</i> order dated 22.03.2024 in I.A.No.1 of 2024 in CrI.A.No.26 of 2024, this Court dismissed the bail application filed by the petitioner along with accused Nos.1 and 4. Mr.Nageswara Rao Chittar, learned Senior Counsel appearing for the petitioner would contend that this Court did not consider the aspect that there was no role played by the petitioner, more particularly, offence	

	said to have committed and conviction recorded against him by the learned trial Court. There is no last seen theory. Even the time gap between the last seen theory and offence is 24 hours. Therefore, the same is contrary to the evidence on record, moreover, relying on last seen theory, conviction cannot be recorded, unless, there is some other corroborative evidence. There is no recovery from the petitioner/accused No.2. The said aspects were not considered in the earlier order. He is in jail from 14.12.2023. Whereas, learned Additional Public Prosecutor would contend that the petitioner is also part of the conspiracy and he is the own brother of accused No.1. There are also specific allegations against the petitioner herein. On consideration of the said aspects only, learned trial Court convicted him for the aforesaid offence. As discussed <i>supra</i>, in the earlier order dated 22.03.2024 in I.A.No.1 of 2024 in CrI.A.No.26 of 2024, we have specifically discussed the role played by the petitioner/accused No.2 in commission of offence. We have recorded that there is a land dispute between the deceased and accused Nos.1 to 3 with regard to 857 square yards in Sy.No.1130/27/1, situated at Attenders' Colony, Aswaraopet. There is no dispute with regard to the petitioner herein is the own brother of accused No.1. Accused No.1 is in jail. Accused No.3 is the mother of accused Nos.1 and 2 and she was acquitted	
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	by the learned trial Court. Accused No.4 is the friend of accused No.1 and he is in jail. As discussed <i>supra</i>, learned trial Court convicted the petitioner herein/accused No.2 for the offence under Section 120B of IPC and sentenced him to suffer life imprisonment. The contentions of the learned Senior Counsel appearing for the petitioner/accused No.2 that the learned trial Court can't convict the petitioner for the offence under Section 120B of IPC in isolation without there being any other reliance. As discussed <i>supra</i>, learned trial Court convicted the petitioner herein only for the offence under Section 120B of IPC i.e., conspiracy. The said aspect is not considered by us in the earlier order. Therefore, we are inclined to grant bail to the petitioner In the light of the aforesaid discussion, this petition is allowed. The sentence of imprisonment imposed on the petitioner herein/accused No.2, <i>vide</i> impugned judgment dated 14.12.2023 in S.C.No.124 of 2019 passed by the learned Principal Sessions Judge, Bhadradi Kothagudem, alone is suspended pending disposal of the Appeal, and the petitioner/accused No.2, namely, Batna Naga Someswara Rao @ Siva, S/o Satyanarayana, is released on bail on the following conditions:- i) He shall execute a personal bond for a sum of	
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		Rs.25,000/- (Rupees Twenty Five Thousand Only) with two (02) sureties for a like sum each to the satisfaction of the learned Principal Sessions Judge, Bhadradri Kothagudem. ii) He shall not indulge in any criminal acts while he is on bail. _____ KL, J _____ VRKR, J <u>CrI.A.No.26 of 2024</u> List on 21.01.2026. B/o. Ynk	
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