

**THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**MONDAY, THE FIFTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX**

:PRESENT:

**THE HONOURABLE SRI JUSTICE K.LAKSHMAN
AND
THE HONOURABLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY**

**IA No. 2 OF 2025
IN
CRLA NO: 26 OF 2024**

Between:

Batna Subbu @ Subrahmanyam, S/o. Satyanarayana A-1

**...Petitioner/Appellant
(Appellant in CRLA 26 OF 2024
on the file of High Court)**

AND

**The State of Telangana, rep., by its Public Prosecutor, High Court for the State
of Telangana at Hyderabad.**

**...Respondents/Respondent
(Respondent in-do-)**

**Counsel for the Petitioner : Mr. C.Nageshwar Rao, Senior Counsel representing
Sri C SHARAN REDDY**

**Counsel for the Respondent : Sri Syed Yasar Mamoon,
Additional PUBLIC PROSECUTOR**

Petition under Section 430 (1) of BNSS praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to suspend the execution of sentence in Session Case No 124 of 2019 on the file of the Principal Sessions Judge at BHADRADRI KOTHAGUDEM and release the petitioner on bail, pending disposal of CRLA No. 26 of 2024, on the file of the High Court.

The Court made the following

ORDER

Heard Mr. C.Nageshwar Rao, learned Senior Counsel representing Mr. C.Sharan Reddy, learned counsel for the petitioner/accused No.1 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor.

Petitioner herein is accused No.1 in S.C.No.124 of 2019. *Vide* impugned judgment dated 14.12.2023, learned Principal Sessions Judge, Bhadradi Kothagudem, convicted him for the offences under Sections 448, 302 and 201 read with 34 of IPC and 120(B) read with 34 of IPC and sentenced him to undergo life imprisonment. He is in jail from 14.12.2023. This is the second bail application filed by the petitioner.

Vide order dated 22.03.2024, we have dismissed I.A.No.1 of 2024 filed by the petitioner and accused Nos.2 and 4 seeking bail. Aggrieved by the said order, petitioner herein and accused Nos.2 and 4 have approached the Apex Court by filing Special Leave to Appeal (Crl.) No.8001 of 2024. *Vide* order dated 28.06.2024, the Apex Court dismissed the said Special Leave to Appeal confirming the order dated 22.03.2024 in I.A.No.1 of 2024 in Crl.A.No.26 of 2024.

Learned Senior Counsel would contend that there are change of circumstances from 22.03.2024 to today. *Vide* order dated 03.11.2025, this Court granted bail to accused No.2.

Perusal of the order dated 03.11.2025 in I.A.No.2 of 2024 in Crl.A.No.26 of 2024 would reveal that we have granted bail to accused No.2 considering the fact that he was convicted under Section 120(B) of IPC and on the contention of accused No.2 that the trial Court cannot convict him for the offence under Section 120(B) of IPC in isolation. Whereas, learned trial Court convicted the petitioner herein for the offences punishable under Sections 448, 302 and 201 read with 34 of IPC and 120(B) read with 34 of IPC

There are disputes between the petitioner herein and the deceased with regard to 857 square yards of land in Survey No.1130/27/1 situated at Attenders' Colony, Aswaraopet. By examining PWs.1 to 4 and 6 to 8, prosecution proved the said motive. Accused No.4 is friend of accused No.1. Therefore, to do away the life of the deceased, accused No.1 took the assistance of accused No.4.

PW.3 is a resident of Aswaraopet. He deposed that he knows PWs.1, 2 and other witnesses. He also knows the deceased and the accused. He further deposed that about 30 years ago, his mother purchased house from the deceased and since then, he has acquaintance with the deceased. He further deposed that at about 7.00 or 7.30 a.m., on 27.10.2018, accused Nos.1 and 4 came in a car to the house of accused No.1 and after completion of fencing work, he dropped the deceased and left to his home. On the next day, he went to the house of the deceased to give tiffin and the gate was opened. He saw the dead body of the deceased and found injuries on his neck, head and back. Even then, nothing was elicited from him during cross-examination. In Ex.P18 - Post Mortem Examination Report, PW.23 specifically deposed that stab wound was found on left side of neck on the dead body of the deceased. Therefore, learned Senior Counsel cannot contend that PW.23 - Doctor, who conducted autopsy over the dead body of the deceased stated that the cause of death was due to cardiac arrest and hypovolemic shock.

There is no dispute with regard to legal principle that second bail application filed by the petitioner is maintainable, but he has to satisfy that there is change of circumstance from the date of dismissal of the first bail application till filing of second bail application. ✓

Learned Senior counsel would contend that this Court granted bail to accused No.2 *vide* order dated 03.11.2025.

As discussed *supra*, we have granted bail to accused No.2 on the ground that learned trial Court convicted him for the offence under Section 120(B) of IPC in isolation. Whereas, learned trial Court convicted the petitioner herein for the offences under Sections 448, 302 and 201 read with 34 of IPC and 120(B) read with 34 of IPC.

Prima facie, there are specific allegations against the petitioner herein. Accused No.4 is the friend of accused No.1 and he engaged accused No.4 to kill the deceased. The offence committed by the petitioner herein is serious and grave in nature. Therefore, petitioner herein failed to make out any case and there is no change of circumstance from the earlier bail application till date.

In the light of the same, we are not inclined to grant bail to the petitioner herein. This application is liable to be dismissed and accordingly, it is dismissed.

SD/-REKHA RANI BALAGANI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Sessions Judge at BHADRADRI KOTHAGUDEM.
2. The Superintendent, Central Prison, Chanchalguda, Hyderabad.
3. One CC to SRI. C SHARAN REDDY Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court of Telangana at Hyderabad [OUT]
5. One spare copy

HIGH COURT

**KL, J
and
VRKR, J**

DATED:05/01/2026

✓
**ORDER
I.A.No.2 of 2025
IN
CRLA.No.26 of 2024**



I.A.DISMISSED