

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE TWENTIETH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE

:PRESENT:

**THE HONOURABLE SRI JUSTICE K.LAKSHMAN
AND
THE HONOURABLE SMT JUSTICE K. SUJANA**

**IA No. 1 OF 2023
IN
CRLA NO: 15 OF 2022**

Between:

Konkati Anil, S/o Late Rajaiah

...Petitioner
(Appellant No.2 in CRLA 15 OF 2022
on the file of High Court)

AND

The State of Telangana, through S.H.O., Rep. by its Public Prosecutor, High Court at
Hyderabad.

...Respondent
(Respondent in-do-)

Counsel for the Petitioner : Mrs. G. JAYA REDDY

Counsel for the Respondent : ASSISTANT PUBLIC PROSECUTOR

Petition under Section 389(1) of Cr.P.C praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to enlarge the petitioner / appellant herein on bail by suspending the sentence imposed in S.C.No. 218 of 2018 on the file of the IX Addl. District and Sessions Judge at Sircilla, pending disposal of CRLA No. 15 of 2022, on the file of the High Court.

**The Court made the following
ORDER:**

Heard Mrs. G. Jaya Reddy, learned counsel for the petitioner - appellant No.2 - accused No.2 and learned Assistant Public Prosecutor appearing on behalf of the respondent.

This is second bail application is filed by the petitioner - accused No.2 seeking suspension of sentence of imprisonment imposed on him and release him on bail. Vide order dated 20.01.2022, this Court dismissed the earlier bail application filed by him.

The petitioner herein is arraigned as accused No.2 in S.C. No.218 of 2018. Vide impugned judgment dated 03.12.2021, learned IX Additional District and Sessions Judge, Sircilla, convicted the petitioner herein for the offences under Sections - 302, 307 and 506 (II) read with 34 of IPC and imposed life imprisonment on him. The petitioner herein - accused No.2 is in Jail from 03.12.2021.

Mrs. G. Jaya Reddy, learned counsel for the petitioner - accused No.2 seeks bail on the following grounds:

- (a) There are serious contradictions with regard to the time and place of the incident in the depositions of prosecution witnesses;
- (b) Both PWs.1 and 2 are planted witnesses;
- (c) There is delay in lodging FIR;
- (d) The trial Court without considering the said aspects, convicted the petitioner herein for the aforesaid offences.

On the other hand, learned Assistant Public Prosecutor would submit that PWs.1 and 2 are eye-witnesses and PW.2 is also injured person as per wound certificate Ex.P17. PW.8 is the *panch* to the recovery. Nothing was elicited to disbelieve the deposition of PW.1 and PW.2. It is a double murder case.

PW.2 is the injured witness. In Ex.P17 - wound certificate, she has received grievous injury. PW.2 is a crucial witness and she is not only an eye-witness, but also an injured witness. She is the wife of deceased No.2. Relying on the said depositions and also Ex.P23 - FSL report, the trial Court recorded conviction against the petitioner herein.

Prima facie, there are specific overt acts against the petitioner herein and the allegations leveled against him are serious in nature. It is a double murder case and PW.2 also injured in the incident. There is no change of circumstance from 20.01.2022 on which the first bail application was dismissed till date. However, there is no bar to file second bail application. At the same time, the petitioner has to show change of circumstances, much less substantial change of circumstances. In the present case, there is no change of circumstances and, therefore, this application is liable to be dismissed.

The present application is accordingly dismissed.

SD/ N. SRIHARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate, Sircilla
2. The IX Addl. District and Sessions Judge at Sircilla
3. The Superintendent, Central Prison, Cherlapally, Hyderabad
4. One CC to Mrs. G. JAYA REDDY, Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR, High Court at Hyderabad [OUT]
6. Two spare copies

HIGH COURT

**KL,J
&
SKS,J**

DATED:20/11/2023

LIST ON 06.03.2024

ORDER

**IA.NO.1 OF 2023
IN
CRLA.No.15 of 2022**

IA DISMISSED

