

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

MONDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

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

**IA No. 1 OF 2022
IN
CRLA NO: 82 OF 2021**

Between:

Pallikonda Ashok, S/o. late Chinna Narsaiah

...Petitioner/Appellant No.1
(Appellant in CRLA 82 OF 2021
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 for SHO P.S. Korutla.

...Respondent/Complainant
(Respondent in-do-)

Counsel for the Petitioner : SRI C. NARENDER REDDY, ADVOCATE

**Counsel for the Respondent : DR. S. PRASHANTH, ASSISTANT PUBLIC
PROSECUTOR**

Petition under Section 389(1) of Cr.P.C, praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to suspend the conviction and sentence passed in SC.No.343 of 2017 dated. 08-02-2021 on the file of IInd Additional Sessions Judge Karimnagar at Jagtial and enlarge the Petitioner/Appellant No.1 on bail, pending disposal of CRLA No.82 of 2021, on the file of the High Court.

The Court made the following

ORDER:

**Heard Mr. C.Narender Reddy, learned counsel for the
petitioner/accused No.1 and Dr. S.Prashanth, learned Assistant
Public Prosecutor.**

Petitioner is accused No.1 in S.C.No.343 of 2017. *Vide* impugned judgment dated 08.02.2021, learned II Additional Sessions Judge, Karimnagar at Jagtial, convicted the petitioner for the offence under Section 302 of IPC and convicted him to undergo life imprisonment. Petitioner is in jail from 08.02.2021.

Learned counsel for the petitioner would contend that prosecution failed to prove the motive. There are serious discrepancies in the depositions of PWs.1 and 2. PW.9 did not support the prosecution and there is an improved version. Though PW.2 deposed that petitioner damaged the Acura, police did not seize the said Acura. With the said submissions, he seeks bail to the petitioner herein.

Whereas, learned Assistant Public Prosecutor opposed the bail application contending that the deceased is the sister of the petitioner/accused No.1 and there are disputes between the deceased and the petitioner with regard to land admeasuring Acs.3.00 guntas and Rs.2,50,000/- cash. The offence committed by him is gruesome. Therefore, he seeks to dismiss the present bail application.

As per Ex.P.1 complaint, PW.1 – mother of the deceased and petitioner/accused No.1, PW.2 is the niece of accused No.1 and PW.9 is the sister of the deceased. There are disputes between the petitioner and deceased with regard to land admeasuring Acs.3.00 guntas and Rs.2,50,000/-.

In Ex.P1 complaint, dated 16.05.2015, PW.1 - mother of the deceased and petitioner categorically stated that the petitioner attacked the deceased with MO.2 – pestle on the head and killed her.

PW.2 also deposed on the same lines. PW.9 – sister of the deceased and the petitioner also deposed on the same lines, more particularly, the motive. Though PW.9 turned hostile, to some extent her chief-examination can be considered with regard to the disputes between the deceased and the petitioner in respect of land admeasuring Acs.3.00 guntas and marriage expenses etc., and also conducting of panchayat on the same. She has also specifically stated that on the next day of panchayat, PW.2 called her and informed about the death of the deceased as accused No.1 beat her on head with pestle. PW.18 – Doctor, who conducted autopsy over the dead body of the deceased, found the following external and internal injuries:

"External Injuries:

1. *Sutured lacerated wound over the left parital region 4 " x ¼ " bone deep.*
2. *Contusion over the back 9 " x 2 " over the dorsal spine.*

Internal Injuries:

1. *Fracture of left parital bone.*
2. *There is a intracranial Haemorrhage."*

Ex.P13 is the post-mortem report. Thus, *prima facie*, there are serious allegations against the petitioner herein. His mother and sister did not support him and on the other hand, they have supported the case of prosecution. PW.1 deposition is similar to Ex.P1 complaint. Thus, there are serious allegations against the petitioner herein and that he has killed his sister due to land dispute.

Further, analysis of evidence of witnesses while considering bail application is impermissible as held by the Hon'ble Supreme Court in Omprakash Sahni v. Jai Shankar Chaudhary [(2023) 6 SCC 123]. Paragraph No.33 is relevant and the same is extracted as under:

"33. Bearing in mind the aforesaid principles of law, the endeavour on the part of the Court, therefore, should be to see as to whether the case presented by the prosecution and accepted by the Trial Court can be said to be a case in which, ultimately the convict stands for fair chances of acquittal. If the answer to the above said question is to be in the affirmative, as a necessary corollary, we shall have to say that, if ultimately the convict appears to be entitled to have an acquittal at the hands of this Court, he should not be kept behind the bars for a pretty long time till the conclusion of the appeal, which usually take very long for decision and disposal. However, while undertaking the exercise to ascertain whether the convict has fair chances of acquittal, what is to be looked into is something palpable. To put it in other words, something which is very apparent or gross on the face of the record, on the basis of which, the Court can arrive at a prima facie satisfaction that the conviction may not be sustainable. The Appellate Court should not re-appreciate the evidence at the stage of Section 389 of the Cr.P.C. and try to pick up few lacunas or loopholes here or there in the case of the prosecution. Such would not be a correct approach."

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

SD/-S.MALLIKARJUNA RAO
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The IInd Additional Sessions Judge Karimnagar at Jagtial.
2. The Superintendent, Cherlapalli Central Prison, District. Medchal Malkajgiri.
3. One CC to SRI C.NARENDER REDDY, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court at Hyderabad [OUT]
5. One spare copy

HIGH COURT

KL, J

&

VRKR, J

DATED:03.11.2025

LIST ON 24.12.2025 FOR FINAL HEARING.

ORDER

I.A.No.1 of 2022

IN

CRLA.No.82 of 2021



I.A is dismissed.