

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

AND

THE HONOURABLE JUSTICE B.R.MADHUSUDHAN RAO

I.A.No.2 OF 2026

IN

CRLA NO: 264 OF 2025

Between

Poleboina Lingaiah, S/o. Illaiah

...Petitioner/Appellant (A-18)

(Appellant in CRLA NO: 264 OF 2025
on the file of High Court)

AND

The State of Telangana, rep. by P.P. High Court for the State of Telangana at Hyderabad.

...Respondent/Complainant

(Respondent in-do-)

**Counsel for the Petitioner: Smt. B.RACHANA REDDY, SENIOR COUNSEL
representing SRI MOHD BASEER RIYAZ**

**Counsel for the Respondent: SRI SYED YASAR MAMOON, ADDL. PUBLIC
PROSECUTOR**

Application under Section 430 of B.N.S.S. praying that in the circumstances stated in the Interim Bail Application, the High Court may be pleased to suspending the sentence passed vide Order dated 18.02.2026 in SC.No.45 of 2015 on the file of the Special Sessions Judge for Trial of SCs/ STs POA Act Cases cum II Additional District and Sessions Judge at Nalgonda;

The Court made the following

ORDER:

Heard Mrs. B.Rachna Reddy, learned Senior Counsel representing Mr. Mohd. Baseer Riyaz, learned counsel for the petitioner and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor.

Petitioner herein is accused No.18 in S.C.No.45 of 2018. *Vide* the impugned judgment dated 18.02.2025, the learned Special Sessions Judge for Trial of SCs/STs (POA) Act Cases-cum-II Additional District and Sessions Judge, Nalgonda, convicted him for the offences punishable under Sections 109, 302, 143 and 147 of IPC and Sections 3(1)(r)(s) and 3 (2)(v) of SC/ST (POA) Amendment Act, 2015 and sentenced him to undergo life imprisonment.

This is the third bail application filed by the petitioner. First bail application of the petitioner was dismissed on 25.10.2025 and second bail application was dismissed on 29.12.2025.

Learned Senior Counsel appearing for the petitioner would contend that certain important circumstances were not brought to the notice of this Court while dismissing the first and second bail applications of the petitioner. There are discrepancies in the depositions of PW.1, son of the deceased and PW.2, wife of the deceased. PW.2 and PW.4, son-in-law of the deceased during cross-examinations categorically admitted that there are no disputes between the deceased and the petitioner/accused No.18. PW.5 and PW.7 – eye witnesses also deposed in the same lines. The only allegation leveled against the petitioner herein is that he gave signal to the other accused. Petitioner herein is not present at the scene of offence. There was no power at the time of the alleged incident and the same was deposed by PWs.1, 2 and 3. The distance between the scene of offence at Azeempet Village and Mothkur Village is about 15 to 16 Kms. Accused Nos.1 to 17 belong to one village and one caste. Though accused No.18 was not present at the scene of offence, he was implicated in the present case falsely due to political rivalry.

PWs.2 and 3 specifically deposed that they have waited for accused No.18 – Sarpanch of the village for instructions as to shifting of the dead body and lodging of the complaint. Petitioner might have come to the scene of offence as Sarpanch to take steps to shift the dead body and to inform the Police. The version of the prosecution witnesses is different. There is inconsistency with regard to the alleged abuse by the petitioner with the caste name of the deceased. Even the depositions of PWs.6 and 7 are contrary to the depositions of PWs.1

and 2. There is also discrepancy with regard to shifting of the dead body in TATA Ace vehicle. Deposition of PW.8 – photographer is not corroborative. There were about 1000 to 1500 people gathered near the scene of offence. There is also discrepancy with regard to recording of statement of PW.1 under Section 161 of Cr.P.C.

According to PW.1, his statement was recorded in Mothkur Police Station, but, the statement of PW.1 was recorded in Addaguduru Police Station. The prosecution has not examined Lw.9 – Chukka Yadagiri, scribe of complaint, LW.12 – Boda Raghupathi, panch witness for scene of offence and seizure and Lw.17-M.Basu, Assistant Sub-Inspector of Police, who registered FIR. Without considering the said aspects, the learned trial Court convicted the petitioner herein and imposed life imprisonment. Thus, there are changed circumstances and the said facts were not brought to the notice of this Court while dismissing the earlier two bail applications.

Whereas, the learned Additional Public Prosecutor would contend that PWs.1 to 8 specifically deposed the role played by the petitioner/accused No.18 and on consideration of the said aspects including the evidence of both oral and documentary, this Court dismissed the earlier bail applications filed by the petitioner. There is no change of circumstances from the date of dismissal of earlier two bail applications to today.

In the light of the said submissions, it is apt to note that PW.1 – son of the deceased and eye-witness specifically stated that on seeing them, petitioner/accused No.18 – Sarpanch of the Village, instigated all the accused to kill his father. After the other accused left from the said place, petitioner came to that place along with two Police Constables.

PW.2 – wife of the deceased deposed that on seeing them, petitioner gave a signal to the family members of the Golla Community saying that a madiga lanjakodaku jammi kadiki endhuku vachindu. Thereafter, accused No.18 left from that place. Then, the son of her brother-in-law asked accused No.18 to stay there along with the police as he was suspecting that the accused may beat her husband. But he left the place.

PW.8 – photographer also specifically stated about the said facts.

PW.3 – daughter of the deceased also deposed that the petitioner/accused No.18 – Sarpanch of the Village, was conversing with two Police Constables. Then she requested her sister to ask accused No.18 that presence of Police Constables to be continued at that place and she requested accused No.18 to stop the Police there for some more time. Then, accused Nos.1 to 17 approached accused No.18 and spoke with accused No.18. But accused No.18 sent away the Police Constables from that place even after their request. Therefore, her father requested her that they should meet accused No.18. But she did not allow him to meet accused No.18 and she along with her father were standing at a side. During cross-examination, she has also admitted the aforesaid facts.

PW.11 – relative of PW.4, during cross-examination admitted that he can identify the petitioner/accused No.18.

It is also apt to note that in Ex.P1 – complaint, PW.1 specifically stated that the petitioner/accused No.18 gave signal to other accused and other accused killed the deceased. Thus, the petitioner/accused No.18 instigated other accused to commit murder of his father.

It is the specific contention of the prosecution that the accused suspected that the deceased was the reason for the death of Rajamallu. Admittedly, petitioner is Sarpanch of Azeempet Village. PW.8 – photographer specifically deposed that accused No.18 stated to the other accused as “madigodu ikkadki endhuku vasthadu jammi kadiki kottura champura emina aithe nen chuskuntaa” on seeing the deceased/Lingaiah. About 15 to 20 persons beat the deceased. As a result, the deceased received bleeding injuries. They also beat PW.1, Kumar, sister of PW.1 and the mother of PW.1. Then, they took the deceased to the hospital. He came to know that the deceased died on the way to the hospital.

As discussed supra, PW.2, wife of the deceased, also specifically stated that on seeing them, accused No.18 gave a signal to the family members of Golla community saying that a madiga lanjakodaku jammi kadiki endhuku vachindu. Thereafter, accused No.18 left from that place. Then, the son of her brother-in-

law asked accused No.18 to stay there along with the police as he was suspecting that the accused may beat her husband. But he left the place.

PW.12 – Doctor, who conducted autopsy over the dead body of the deceased, found 10 anti mortem injuries. On consideration of the said aspects only, learned trial Court convicted the petitioner herein.

On considering the same, more particularly, the role played by the petitioner *vide* impugned judgment, learned trial Court convicted the petitioner and sentenced him to undergo life imprisonment. On consideration of the said aspects only, this Court dismissed the earlier two bail applications filed by the petitioner dated 25.10.2025 and 29.12.2025 respectively.

There is no dispute with regard to the settled legal position that the successive bail applications filed by the accused are maintainable, but the accused has to make out change of circumstances, more particularly, substantial change of circumstance.

It is apt to note that several contentions raised by the learned Senior Counsel appearing for the petitioner with regard to the inconsistencies in the depositions, that there was no light at the time of alleged incident and it was dark, therefore, the benefit of doubt has to be given to the petitioner, can be considered at the time of hearing of the appeal finally.

Learned Senior Counsel also relied upon the principle laid down by the Apex Court in the case of Anjani Singh v. The State of Uttar Pradesh¹.

However, the said aspects can be considered at the time of hearing of the appeal finally. While deciding bail application, this Court cannot analyze the evidence of the prosecution witnesses as held by the Apex Court in Omprakash Sahni v. Jai Shankar Chaudhary [(2023) 6 SCC 123] and the same was reiterated in Rajesh Upadhayay v. The State of Bihar [2025 INSC 1468].

In the present case, there is no change of circumstance from 25.12.2025 and 29.12.2025 to today much less the substantial change of circumstance.

Prima facie, there is specific overt-act against the petitioner and it is a brutal murder.

¹ CrI.A.No.591 of 2020 of Hon'ble Supreme Court, decided on 05.01.2026.

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

Sd/- MOHD.ISMAIL
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Special Sessions Judge for Trial of SCs/ STs POA Act Cases cum II Additional District and Sessions Judge at Nalgonda.
2. The Superintendent, Central Prison, Cherlapalli, Medchal-Malkajgiri.
3. The Station House Officer, Police Station Addagudur, District Nalgonda.
4. One CC to Sri. MOHD BASEER RIYAZ, Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
6. One spare copy

HIGH COURT

**KL, J
&
BRMR, J**

DATED: 02-03-2026

LIST ON 17-06-2026

ORDER

**I.A.No.2 OF 2026
IN
CRLA NO: 264 OF 2025**

DISMISSING THE I.A

