

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

TUESDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

:PRESENT:
THE HON'BLE SRI JUSTICE K.LAKSHMAN
AND
THE HON'BLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY

IA No. 1 OF 2025
IN
CRL.A. NO: 306 OF 2025

Between:

1. Patlolla Srinivas, S/o. Late Amrutham Patel,
2. Shivalla Mallesham @ Mallanna Patel, S/o. Sangappa,
3. Shaik Saleem, S/o. Abdul Haziz,
4. Patlolla Shivaiah, @ Shivanna Patel, S/o. Bakkappa,

...Petitioners
(Appellants in Crl.A.No. 306 of 2025
on the file of High Court)

AND

The State of Telangana, Represented by its Public Prosecutor, High Court at Hyderabad.

...Respondent
(Respondent in-do-)

Counsel for the Petitioners : **SRI C.PRATAP REDDY, Senior Counsel**
representing SRI PRAVEEN KUMAR DUBEY

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

Petition under Section 430(1) of BNSS, praying that in the circumstances stated in the Appeal, the High Court may be pleased to suspend the operation of Judgment dated 11th February, 2025 made in S.C. 280/2015 passed by the Learned Principal District & Sessions Judge, Vikarabad District at Vikarabad and release the petitioners/appellants on bail, pending disposal of Crl.A. No. 306 of 2025, on the file of the High Court.

The Court made the following ORDER:

Orders are pronounced.

Heard Mr. C. Pratap Reddy, learned Senior Counsel representing Mr. Praveen Kumar Dube, learned counsel for the petitioners - appellants - accused

Nos.1 to 4 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing on behalf of the respondent - State.

The petitioners herein are accused Nos.1 to 4 in S.C. No.280 of 2015. *Vide* impugned judgment, dated 11.02.2025, learned Principal Sessions Judge, Vikarabad, convicted the petitioners herein for the offences under Sections - 120B and 302 read with 34 of IPC and sentenced them to undergo life imprisonment.

Learned Senior Counsel appearing for the petitioners herein contend as follows:

- i) PW.1, mother of the deceased, PW.2, brother of the deceased and said to be an eye witness and PW.3, sister of the deceased are family members and interested witnesses. Further, there are discrepancies in their testimonies.
- ii) Except the evidence of PWs.1 to 3, there are no other independent witnesses to speak about involvement of the accused in the commission of offences.
- iii) According to the prosecution, PW.4 and PW.5 are eye-witnesses, but they did not support the case of prosecution.
- iv) PW.6 and PW.7 are *panch* witnesses for scene of offence also did not support the case of prosecution, and so also PW.8 and PW.9, *panch* witnesses for inquest over the dead body of the deceased.
- v) The prosecution did not prove the motive on the part of the petitioners for commission of offence.
- vi) There are omissions and contradictions in the evidence of prosecution witnesses which disproves the case of prosecution.
- vii) Without considering all the said aspects, the trial Court recorded conviction.
- viii) The petitioners herein have been in jail from 11.02.2025.

With the aforesaid submissions, learned Senior Counsel sought to grant bail to the petitioners herein.

Whereas, learned Additional Public Prosecutor would contend that the trial Court having considered the evidence of PWs.1 to 3 and other evidence, which is credible to prove that the petitioners committed the aforesaid offence, convicted the petitioners. Though PWs.4 to 9 turned hostile, their evidence could not tilt the case of prosecution. Further, though there are omissions and discrepancies in the testimonies of prosecution witnesses, the same are minor in nature and would not tilt the case of prosecution. The trial Court having considered all the said aspects only convicted the petitioners herein. There is no error in it.

In this case, according to the prosecution, there were land disputes between the family of the deceased others of their village - Ghanpur. Accused Nos.1, 2 and 4 are the agnates of the deceased. In connection with the said disputes, a *panchayat* was held in their village. In the said *panchayat*, the father of accused No.1, namely Amrutham Patel, who was the *Ex-Sarpanch* of Ghanapur Village of Marpally Mandal, decided against the family of deceased. Therefore, the deceased and his brother developed grudge against the father of accused No.1 and killed him on 03.05.2013 with the assistance of their friend. In the said case, the deceased was arrested and sent to judicial remand. After release, the deceased threatened accused Nos.1, 2 and 4 with dire consequences. Anticipating such threats from the deceased and his brother, accused Nos.1, 2 and 4 conspired with accused Nos.3, 5 and 6, who are their workers and hatched a plan to do away the deceased. On 26.12.2014, father of PW.4 died and the deceased, PW.2 and their family attended the village to attend his funeral. On the same day at 21:30 hours, accused Nos.1 to 6 armed with axe, knife and went to the house of PW.1 and attacked the deceased. They dragged the deceased from front yard of the house and accused No.1 hit the deceased on his head with

an axe, while accused No.2 stabbed the deceased and accused Nos.3 to 6 thrown stones on the deceased and killed him instantly by inflicting bleeding injuries. After confirming the death of the deceased, they fled away from the spot.

In view of the above and the evidence let in by the prosecution shows that the offence said to have committed by the petitioners is grave and serious in nature. The testimonies of PWs.1 to 3 appear to have proved the motive on the part of the petitioners. As per medical evidence (Ex.P13-postmortem examination report), the cause of death of the deceased was due to Hemaetoma.

Mr. C. Prathap Reddy, learned Senior Counsel, referring to the principle laid down in i) **Badam Singh v. State of M.P.** [(2003) 12 SCC 792]; ii) **Abdul Rashid Abdul Rahiman Patel v. State of Maharashtra** [2007 AIR SCW 4576]; iii) **Khema alias Khem Chandra v. State of Uttar Pradesh** [(2023) 10 SCC 451]; and iv) **Babu Saheba Gouda Rudragoudar v. State of Karnataka** [(2024) 8 SCC 149], would contend that the evidence of injured witnesses is not corroborated by the medical evidence and, therefore, their evidence cannot be blamed. Without considering the said aspects, the trial Court convicted the petitioners and imposed maximum punishment of life imprisonment.

Several grounds and contentions raised by the petitioners can be considered at the time of hearing of appeal finally. Analysis of evidence of prosecution witnesses while considering bail application is impermissible as held by the Apex Court in **Omprakash Sahni v. Jai Shankar Chaudhary** [(2023) 6 SCC 123]. Therefore, we are not inclined to grant bail to the petitioners herein.

This application is accordingly dismissed.

//TRUE COPY//

SD/-V.KAVITHA
DEPUTY REGISTRAR


SECTION OFFICER

To,

1. The Principal District & Sessions Judge, Vikarabad District at Vikarabad.
2. The Superintendent, Central Prison, Cherlapally, Medchal Malkajgiri District.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
4. One CC to Sri Praveen Kumar Dubey, Advocate (OPUC)
5. Two Spare Copies

HIGH COURT

**KL J
&
VRKR J**

DATE: 09-12-2025



ORDER

**I.A. NO.1 OF 2025
IN
CRL.A. NO. 306 OF 2025**

IA DISMISSED