

HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE: CrI.A.No.804 of 2018

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
14.	21-08-2023	<u>KL,J & SKS,J</u> <u>I.A.No.1 of 2023</u> Heard Sri A. Prabhakar Rao, learned counsel for the petitioner / appellant and Sri T.V. Ramana Rao, and learned Additional Public Prosecutor. The petitioner herein is sole accused in S.C.No.45 of 2016. <i>Vide</i> impugned judgment dated 21-12-2017, learned Principal Sessions Judge, Warangal, convicted him for the offences under Section 302 of IPC and Sections 3 and 4 of D.P. Act and sentenced him to undergo life imprisonment. This Court granted bail to the petitioner herein for performing his 1st daughter's marriage. There is no allegation against him that he has violated any of the conditions imposed while granting bail. Now, he is intending to perform the marriage of his 2nd daughter, who is staying with his brother. Referring to the statement of the petitioner under Section 313(5) of Cr.P.C., learned counsel appearing for the petitioner would submit that he has already kept an amount of Rs.2,00,000/- in	

	fixed deposit in the name of his wife and his daughter as nominee on 20-03-2014. He also have fixed deposits worth of Rs.10,00,000/- in the S.B.I., NGO's Colony Branch. Referring to the copies of sale deeds / Exs.D-1 and D-2, learned counsel appearing for the petitioner would submit that petitioner got executed the said sale deeds in the name of his minor daughters. However, reliability of Dying Declaration and evidence of prosecution witnesses can be decided at the time of hearing of appeal itself finally. He is in jail from 21-12-2017. In <i>Bachu Rangarao Vs. State of Andhra Pradesh</i>¹ a Division Bench of this Court evolved the following criteria: <i>"1. A person who is convicted for life and whose appeal is pending before this Court is entitled to apply for bail after he has undergone a minimum of five years imprisonment following his conviction;</i> <i>2. Grant of bail in favour of persons falling in (1) supra shall be subject to his good conduct in the jail, as reported by the respective jail Superintendents;</i> <i>3. in the following categories of cases, the convicts will not be entitled to be released on bail, despite their satisfying the criteria in (1) and (2) supra;</i> <i>The offences relating to rape coupled with murder of minor children dacoity, murder for gain, kidnapping for ransom, killing of the public servants, the offences falling under the National Security Act and the offences pertaining to narcotic drugs.</i> <i>4. While granting bail, the two</i>	
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¹ 2016 (3) ALT (Crl.)505

following conditions apart from usual conditions have to be imposed, viz., (1) the appellants on bail must be present before the Court at the time of hearing of the Criminal Appeals; and (2) they must report in the respective Police Stations once in a month during the bail period.”

In the light of the aforesaid discussion, according to us, the case of the petitioner falls in the aforesaid criteria evolved in ***Bachu Rangarao Vs. State of Andhra Pradesh*** and he is entitled for bail.

In the light of the aforesaid discussion, this application is allowed granting interim bail to the petitioner / sole Accused on his furnishing personal bond for Rs.25,000/- (Rupees twenty five thousands) with two (2) sureties for the like sum each to the satisfaction of the learned Principal Sessions Judge, Warangal. During the bail period, he shall not involve in any criminal activities.

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List on 13-12-2023

KL,J

SKS,J
PN