

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD**  
THURSDAY, THE TWENTY THIRD 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: 175 OF 2022**

**IA No.1 OF 2023 In CRLA NO: 222 OF 2022**

**IA.No.3 of 2023 In CRLA NO: 301 OF 2022**

**CRLA NO: 175 OF 2022**

**IA No. 1 OF 2023**

**Between:**

Kasturi Ravinder, S/o. Rajam, aged about 32 years, Occ. Coolie, R/o H.No.43-13, Near Check Post, Orregadda, Maridamarri Mandal, Mancherial district.

**...Petitioner/ Appellant**  
(Petitioner in CRLA 175 OF 2022  
on the file of High Court)

**AND**

The State of Telangana, Rep. by its public prosecutor, High Court for the state of Telangana Hyderabad.

**...Respondent**  
(Respondents in-do-)

**Counsel for the Petitioner : Sri. C.DAMODAR REDDY, rep. for Sri. C.RUTHWIK REDDY**

**Counsel for the Respondent : PUBLIC PROSECUTOR**

Petition under Section 389(1) of CrPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the sentence and release the petitioner/appellant/accused No.3 on bail, pending disposal of the above Criminal Appeal filed against the judgment dt.10.03.2022 in Spl.S.C.No.38 of 2017 on the file of the Sessions Judge for Trial & Cases under SCs/STs(POA) Act-cum-V Addl. District and Sessions Judge at Adilabad in the interest of Justice, pending disposal of CRLA No.175 of 2022, on the file of the High Court.

**CRLA NO: 222 OF 2022**

**IA No. 1 OF 2023**

**Between:**

Shivarathri Krishna, S/o. Chinna Venkati, aged about 25 years, Occ. Cooli, R/o. Subbaraopalli Village, Bellampalli Mandal, Mancherial District

**...Petitioner/ Appellant**  
(Petitioner in CRLA 222 OF 2022  
on the file of High Court)

**AND**

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

**...Respondent**  
(Respondents in-do-)

**Counsel for the Petitioner : Sri. C.DAMODAR REDDY, rep. for Sri. C.RUTHWIK  
REDDY**

**Counsel for the Respondent : PUBLIC PROSECUTOR**

Petition under Section 389 (1) r/w 482 of CrPC praying that in the  
circumstances stated in the affidavit filed in support of the petition, the High Court  
may be pleased to suspend the sentence and released the petitioner/Appellant/  
Accused No.5 on bail, pending disposal of the above Criminal Appeal filed against  
the Judgment dated 10.03.2022 in S.C.No.38 of 2017 on the file of the Sessions  
Judge for Trial of Cases under SC's/ST's (POA) Act - Cum - V Additional District and  
Sessions Judge at Adilabad in the interest of justice Pending disposal of CRLA No.  
222 of 2022, on the file of the High Court.

**CRLA NO: 301 OF 2022**

**IA.No.3 of 2023**

**Between:**

Kalluri Sudhakar, S/o. Mallesh, Aged about 28 years, Occ. Coolie, Caste.  
Waddera-BC, R/o Subhashnagar, Bellampalli

**...Petitioner/ Appellant/ Accused No.4**  
(Petitioner in CRLA 301 OF 2022  
on the file of High Court)

**AND**

The State of Telangana, through the Assistant Commissioner of police,  
Bellampalli, Rep. by its Public Prosecutor, High Court of Telangana,  
Hyderabad

**...Respondent**  
(Respondents in-do-)

**Counsel for the Petitioner : Smt. Y RATNA PRABHA**

**Counsel for the Respondent : PUBLIC PROSECUTOR**

Petition under Section 389 (1) of CrPC praying that in the circumstances  
stated in the affidavit filed in support of the petition, the High Court may be pleased  
to suspend the execution of the sentence of imprisonment imposed against the  
appellants on 10.03.2023 in Spl. Sessions Case No.38 of 2017 by the Learned  
Sessions Judge for Trial of Cases under SC's/ST's (POA) Act - Cum - V Additional  
District and Sessions Judge at Adilabad, and release the appellants on bail, pending  
disposal of CRLA No. 301 of 2022, on the file of the High Court.

**The Court made the following ORDER**

**HON'BLE SRI JUSTICE K. LAKSHMAN**

**AND**

**HON'BLE SMT. JUSTICE K. SUJANA**

**I.A.No.01 of 2023 in Crl.A.No.175 of 2022,**

**I.A.No.01 of 2023 in Crl.A.No.222 of 2022,**

**AND**

**I.A.No.03 of 2023 in Crl.A.No.301 of 2022**

**COMMON ORDER:** (Per Hon'ble Sri Justice K. Lakshman)

Heard Sri C.Damodar Reddy, learned senior counsel representing Sri C.Ruthwik Reddy, learned counsel for the petitioners/A.3 and A.5, Smt. Y.Ratna Prabha, learned counsel for the petitioner/A.4 and Sri Muthyala Muralidhar, learned Assistant Public Prosecutor.

2. The present petitions are filed by A.3/petitioner in I.A.No.1 of 2023 in Crl.A.No.175 of 2022, A.4/petitioner in I.A.No.3 of 2023 in Crl.A.No.301 of 2022 and A.5/petitioner in I.A.No.1 of 2023 in Crl.A.No.222 of 2022 to suspend the sentence of imprisonment imposed against them vide judgment dated 10.03.2022 in S.C.No.38 of 2017 by the learned Sessions Judge for Trial of Cases under SCs/STs(POA) Act-cum-V Additional District and Sessions Judge at Adilabad, and release them on bail.

3. The petitioners are A.3 to A.5 in S.C.No.38 of 2017. Vide impugned judgment dated 10.03.2022, the trial Court, convicted them for the offences punishable under Sections 120-B, 307, 148 and 302 read with 149 IPC, and sentenced them to undergo life imprisonment.

4. Sri C.Damodar Reddy, learned senior counsel and Smt. Y.Ratna Prabha, learned counsel for the petitioners/A.3 to A.5 sought bail to the petitioners on the following grounds:-

- i. The prosecution failed to prove motive.
- ii. P.W.1 is a planted witness.
- iii. P.W.3 turned hostile,
- iv. P.W.17 and 18, the Doctors, who treated injured witnesses were informed that unknown persons stabbed the deceased and injured witnesses.
- v. A.3 is not resident of the said area and he is from Mancherial.
- vi. A.5 is not related to prime accused. He was falsely implicated.
- vii. The petitioners came to the hospital prior to the injured witnesses and the deceased were shifted.
- viii. P.W.4 specifically deposed about compromise of the land disputes.

- ix. There are serious contradictions in the depositions of the prosecution witnesses.
- x. There is improved version from the depositions of P.W.1 to 3 to that of his version in Ex.P.1 complaint.
- xi. P.W.18 also deposed that on 02.08.2015 at about 9.00 P.M. P.W.3 was brought by one Ramakrishna and S.Avinash (P.W.2) with a history of stabbing by unknown persons.
- xii. Without considering the same, the trial Court convicted the accused. Therefore, fair chances are there to the appellants/A.3 to A.5 to succeed in the appeals filed by the petitioners/A.3 to A.5.

5. Whereas, learned Assistant Public Prosecutor opposed the said bail applications on the following grounds:-

- i. It is a double murder case.
- ii. Prosecution proved the motive and the role played by each of the accused by producing cogent evidence.
- iii. P.Ws.1, 2 and 3 are eye witnesses and also injured witnesses.
- iv. Though P.W.3 turned hostile, his evidence can be considered to the extent possible.
- v. Prosecution has also proved the recovery of weapons.

- vi. Trial Court, considering the entire evidence including second motive and DNA profile, recorded conviction against the petitioners herein.
- vii. The offences committed by the accused are serious and grave in nature. Therefore, they are not entitled for bail.

6. It is relevant to note that P.W.1 is the son of P.W.3 and also an eye witness. He categorically deposed that he knows all the accused since from the beginning. He tried to rescue the deceased No.1, A.2, 3 and A.5 caught hold of him. He also deposed about the motive. He further deposed that all the accused came and A.1, A.2 and A.5 caught hold of the Deceased No.1 (D.1) firmly from back side. Due to the stab injuries, D.1 collapsed and died on the spot, A.1 stabbed on right shoulder due to which he received bleeding injuries. They have also stabbed his father/P.W.3 and Deceased No.2 (D.2) with knives. Due to which, D.2 received bleeding injuries and died on the spot. P.W.2 also specifically deposed about the role played by A.3 to A.5 in commission of the offences. He further deposed that he could identify all the persons who made attack on them and all the accused are same persons. The Accused stabbed with knives. He cannot identify the crime weapons. M.Os.1 and 2 are knives used in

commission of offences. During cross-examination, he has categorically admitted that he knows A.1, A.2, A.5 and A.6 since beginning as they used to attend work in their fields. He knows A.3 and A.4 by face who used to attend work in his fields. Though P.W.3 turned hostile, during chief examination, he specifically deposed about quarrel/attack and that A.5 stabbing him with knife and other accused beating him with sticks. When D.2 questioned why they were stabbing him, then A.1, A.2 and A.5 stabbed him with Barisa (knife) and inflicted stab injuries to him. As all the accused belong to their village, he has identified them. D.2 collapsed there only.

7. P.W.4 is the wife of D.1. She deposed about the panchayat held regarding land disputes and that A.2 and his family members demanded for amount of Rs.2 Lakhs for treatment and threatened, if not they will kill D.1. Thus, she specifically deposed about motive. She also further deposed that on coming to know about the attack, she went to the scene of offence and observed D.2 lying in pool of blood and on seeing her, D.2 told her that D.1 was stabbed by A.1 and A.2 and others and thrown him into bushes nearby to the crime scene. D.2 showed bushes to her. Then, she and others went there and found D.1 in pool of blood in unconscious state. Then they have shifted D.1 to

Government Hospital, where he was declared died by the doctors. D.2 was also shifted and he was also declared as died. P.W.5 is the son of D.1. He also deposed in the same lines. P.W.6, niece of D.1. She also deposed in the same lines. P.W.7 is the wife of Deceased No.2. She turned hostile and however, during cross-examination, she has categorically admitted that on the date of incident, the Deceased No.2 left home by saying that he was called by Deceased No.1. P.W.18 is the doctor who conducted autopsy over the dead bodies of the deceased.

8. The trial Court on consideration of the depositions and also motive including second motive and DNA profile, gave specific findings that the blood stains on the clothes of accused persons are tallying with the DNA of the deceased persons. Ex.P.18 and P.19 are the injury certificates of P.W.3 and P.W.1. Perusal of the same would reveal that P.W.3 received 5 grievous injuries whereas P.W.1 received one grievous injury and one simple injury. However, minor discrepancies with regard to the persons who brought the injured witnesses and deceased to the hospital informed the doctors that they were stabbed by unknown persons can be considered at the time of hearing of the appeal.

9. It is a double murder case. The offences committed by A.3 to A.5 are grave and serious in nature. *Prima facie*, there are specific overt acts against A.3 to A.5. Therefore, we are not inclined to grant bail to the petitioners herein/A.3 to A.5 and these applications are liable to be dismissed.

10. In the light of the above discussion, these applications are dismissed.

//TRUE COPY//

**SD/-MD.ISMAIL**  
**ASSISTANT REGISTRAR**

**SECTION OFFICER**

To,

1. The Sessions Judge for Trial of Cases under SCs/STs(POA) Act-cum-V Addl. District and Sessions Judge at Adilabad.
2. The Superintendent, Central Prison, Cherlapally.
3. One CC to Sri. C RUTHWIK REDDY Advocate [OPUC]
4. One CC to Smt. Y RATNA PRABHA, Advocate [OPUC]
5. Two CCs to the PUBLIC PROSECUTOR, High Court at Hyderabad [OUT]
6. Two spare copies.

**HIGH COURT**

**KLJ  
&  
SKSJ**

**DATED:23/11/2023**

**COMMON ORDER**

**IA.No.1 of 2023 in CRLA.No.175 of 2022  
IA.No.1 of 2023 in CRLA.No.222 of 2022  
IA.No.3 of 2023 in CRLA.No.301 of 2022**

**IA's ARE DISMISSED**

