

**HIGH COURT FOR THE STATE OF TELANGANA**

**MAIN CASE: CRL.A.No.406 of 2026**

**PROCEEDING SHEET**

| <b>Sl. No</b> | <b>DATE</b> | <b>ORDER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>OFFICE NOTE</b> |
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|               | 16.07.2026  | <p><b><u>KL,J &amp; BRMR,J</u></b></p> <p style="text-align: center;"><b><u>I.A.No.1 of 2026</u></b></p> <p style="text-align: center;"><i>(per the Hon'ble Justice B.R.Madhusudhan Rao)</i></p> <p>This application is filed seeking to suspend the execution of sentence dated 31.03.2026 passed in S.C.No.413 of 2021 by the learned Principal Sessions Judge, Karimnagar District and release the petitioners – A1 to A15 on bail.</p> <p>The learned Senior Counsel for the petitioners - A1 to A15 submits that the conviction and sentence passed by the learned Sessions Judge is contrary to law and weight of evidence, erred in convicting the petitioners – A1 to A15 under Sections 148, 120-B, 302 r/w 149 of IPC. The learned Sessions Judge erred in placing reliance on the highly interested witnesses i.e., petitioner Nos.2 to 4 (eye-witnesses), also erred in placing reliance on the evidence of PW.1 who is the wife of the deceased. The learned Sessions Judge ought to have seen that the entire group of Myakala have been implicated in the case as cases were pending between Bojja and accused group. The incident did not happen in the manner spoken by the alleged eyewitness i.e., PWs.2 to 4, only five stones were recovered at the scene of offence and out of them</p> |                    |

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|  | <p>only two were blood stained, there is an abnormal delay in reporting the matter to the police and the alleged incident has taken place at 5.00 PM and report was lodged by PW.1 at 9.00 PM, the delay has been deliberately used by the prosecution to consult the group in implicating number of opposite group people.</p> <p>Learned Senior Counsel further submits that PWs.2 to 4 who witnessed the incident did not report to the police and Ex.P1 came to be lodged by PW.1 after four hours of the incident. Though the police station is at a distance of 10 to 12 Kms, FIR reached to the Court at 11.30 PM and there was unexplained delay of 6.30 hours from the alleged time of incident and reaching the FIR to the Court though the distance between the police station and the Court is less than 2 Kms. Petitioners – A1 to A15 did not carry any lethal weapons with them while approaching the scene of offence to commit alleged attack. Prosecution has miserably failed to prove the guilt of the petitioners – A1 to A15 beyond all reasonable doubt.</p> <p>Learned Senior Counsel further submits that there is no Section 65-B Certificate and there is no explanation for PWs.2 to 4 why they did not approach the police station to lodge the complaint, there is no medical evidence of strangulation. Counsel to substantiate his contention has relied on the decisions in the cases of (1) Chikkarange Gowda and Others Vs. State of Mysore<sup>1</sup> (2) Manglu and</p> |  |
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<sup>1</sup> AIR 1956 SC 731

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|  | <p>Others Vs. State of Uttar Pradesh<sup>2</sup> (3) Masalti Vs. The State of U.P.<sup>3</sup> (4) Ram Janam Pandey and Others Vs. State of Bihar<sup>4</sup> (5) Chikkarangaiah and Others Vs. State of Karnataka<sup>5</sup> (6) Ramesh and Ors. Vs. State of Haryana<sup>6</sup> (7) Joseph Vs. State, Represented by Inspector of Police<sup>7</sup>.</p> <p>Learned Additional Public Prosecutor submits that the learned Sessions Court has properly appreciated the evidence of PWs.1 to 4 and prosecution has proved the charges against the petitioner – A1 to A15, the learned Sessions Court has discussed the same in its judgment and the delay attributed in lodging Ex.P1- complaint lodged by PW.1 is properly considered by the learned Judge, petitioners – A1 to A15 are not entitled for grant of bail, prayed to dismiss the same.</p> <p>Petitioners – A1 to A15 were sentenced to undergo Imprisonment for Life for the offences under Section 120-B r/w 149 of IPC and Section 302 r/w 149 of IPC along with other offences which they were charged with.</p> <p>PW.1 has lodged Ex.P1 - complaint on 19.04.2019 before the police, the same was received on the same day at 21.00 hours. Basing on which Ex.P16 – FIR came to be registered for the offences under Sections 148, 120-B, 302 r/w 149 of IPC. The complaint (Ex.P1) refers to the names of the petitioners – A1 to A15 and another accused.</p> |  |
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<sup>2</sup> (1957) 2 SCC 755 (3 Judge Bench)

<sup>3</sup> AIR 1965 SC 202 (4 Judge Bench)

<sup>4</sup> 1993 Supp (3) SCC 669

<sup>5</sup> (2009) 17 SCC 497

<sup>6</sup> AIR 2011 SC 169

<sup>7</sup> (2018) 12 SCC 283

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|  |  | <p>Ex.P16 – FIR is registered against A1 to A16 by PW.11.</p> <p>PW.1 is the wife of the deceased – Thirupathi. She deposed that there are disputes between Mayakala and Bojja people for the past 15 years by the date of incident. Myakala people caught the fish stealthily and committed irregularities, thereby Thirupathi has filed a case in the Court, the Court removed Myakala people membership, from then onwards her husband with orders of the High Court and as per instructions of the Fisheries Department managing the fishing in two tanks. Myakala people bore grudge against her husband as they were not allowed to catch fish and they attacked her husband in Gram Panchayath office on which a case was filed in the year 2016. On 19.04.2019, the petitioners – A1 to A15 and another person have attacked her husband, beat him with stones, strangulated her husband's neck (uri vesi) with towel and killed her husband. PW.2 has informed her over phone about the incident.</p> <p>PW.2 happens to be an eye-witness to the incident. He deposed that Myakala people bore grudge against his brother – Thirupathi as they were not allowed to catch fish and they attacked his brother at Gram Panchayath office and beat him on which he has filed a case in the year 2016.</p> <p>On 19.04.2019, his brother has called him, PWs.3 and 4. He went at 5.00 PM. Pipes were laid from well of PW.5. Meanwhile, seven Myakala people came there whose names are Myakala Anajaiah, Myakala Sampath, Myakala Naveen,</p> |  |
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|  | <p>Myakala Praveen, Mayakala Srinivas S/o. Ramulu, Myakala Srinivas S/o. Komuraiah, Myakala Srinivas S/o. Venkatesham, some of them caught hold his brother and remaining of them beat him. He dialed 100 and his brother ran away, but the 7 persons chased his brother. After passing about 50 meters, the remaining 9 persons i.e., Myakala Dharmaraju, Myakala Ramulu, Mayakala Venkatrajam, Myakala Venkatesham, Mykalala Pochaiah, Mykala Komuraiah, Mykala Lachaiah, Myakala Sathaiah and Myakala Rakesh came there. All of them pulled his brother from the bike to the ground. All 16 accused beat his brother with stones and each accused beat his brother with stones on the forehead. Myakala Venkatesh tied towel around the neck of his brother and pulled the towel and strangulated his brother with towel and killed him. After confirming that his brother died, the accused left the place.</p> <p>PW.3 deposed the manner in which the incident has taken place and also deposed about the 16 accused involved in killing the deceased - Thirupathi.</p> <p>The evidence of PW.4 is similar with that of the evidence of PWs.2 and 3.</p> <p>PW.7 deposed that he acted as panch over the dead body of the deceased and police has seized MOs.1 to 5 and also prepared Ex.P4 – Crime Details Form along with Rough Sketch. Police has also seized MO.6 – Five blood stained stones, MO.7 – Blood stained earth and MO.8 – Control earth under</p> |  |
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|  |  | <p>Ex.P4 panchanama. Motor cycle of the deceased was also lying at the scene of offence.</p> <p>PW.9 is a Doctor who conducted autopsy over the dead body of the deceased and found 17 injuries. He opined that injuries 1 to 16 are possible with the use of blunt nature weapon and he issued Ex.P15 – PME report, the cause of death is “Head Injury”.</p> <p>PW.10 is the panch witness for confession cum seizure of the accused. Exs.P5 to P9 are the relevant admissible portions in the confession statement of 5 persons leading to seizure of five motor cycles (MOs.9 to 13) and the accused confessed that they have killed Thirupathi by beating him with stones and strangulating his neck with towel along with other accused.</p> <p>Learned Senior Counsel for the petitioners – A1 to A15 drawn the attention of this Court to Section 149 of IPC and contended that to attract Section 149 of IPC (1) It must be either an offence committed by a member of the unlawful assembly in prosecution of the common object of that assembly (or) (2) An offence such as the members of that assembly knew to be likely to be committed in prosecution of that object.</p> <p>Learned Senior Counsel has raised several contentions with regard to delay in lodging Ex.P1 complaint by PW.1 and the silence on the part of PWs.2 to 4 in not approaching the police station to lodge the complaint with that of the findings of the learned Sessions Judge and the manner in which it has appreciated the evidence of PWs.1 to 4 with</p> |  |
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|  |  | <p>that of other witnesses.</p> <p>PW.1 has mentioned the names of the petitioners – A1 to A15 and another person in Ex.P1 - complaint and she also referred their names in her deposition. PWs.2 to 4 have also referred the names of the petitioners – A1 to A15 in their depositions with that of the another accused. The contentions raised by the learned Senior Counsel stated supra will be looked into during the course of final hearing of the Appeal along with the decisions cited thereon.</p> <p>While deciding the bail application re-appreciation of the evidence of prosecution witnesses is impermissible: See Om Prakash Sahni Vs. Jai Shanker Chaudhary &amp; Another – [(2023) 6 SCC 123] and also followed in Rajesh Upadhayay Vs. State of Bihar &amp; Another - [2025 INSC 1468].</p> <p>Petitioners – A1 to A15 have not made out any case for grant of bail. There are no merits in the application and the same is liable to be dismissed and is accordingly dismissed.</p> <p>I.A.No.1 of 2026 is dismissed.</p> <p style="text-align: right;">_____<br/><b>KL,J</b></p> <p style="text-align: right;">_____<br/><b>BRMR,J</b></p> <p>PLV</p> |  |
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