

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

**TUESDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX**

:PRESENT:

**THE HONOURABLE SRI JUSTICE K.LAKSHMAN
AND**

THE HONOURABLE JUSTICE B.R.MADHUSUDHAN RAO

**IA No. 1 OF 2025 IN CRLA NO: 493 OF 2025,
IA No.2 OF 2025 IN CRLA NO: 556 OF 2025 &
IA No. 1 OF 2026 IN CRLA NO: 1131 OF 2025.**

IA No. 1 OF 2025 IN CRLA NO: 493 OF 2025

Between:

Mohammed Abdul Kareem, S/o Jani Miyan

...Appellant/Accused No.5
(Appellant in CRLA 493 OF 2025
on the file of High Court)

AND

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

...Respondent/Complainant
(Respondents in-do-)

Petition under Section 430(1) of BNSS, praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to suspend the sentence against the Petitioner/ Accused No.5 passed in Judgment dated 10.03.2025 passed in SC.No.70 of 2019 on the file of Special Sessions Judge for trial of SCs/ STs (POA) Act Cases Cum II Additional District and Sessions Judge at Nalgonda, by granting bail to the Petitioner/Accused No.5, pending disposal of CRLA No.493 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of Sri M.A.K. MUKHEED, Advocate for the Appellant and Sri Syed Yasar Mamoon, Addl. PUBLIC PROSECUTOR for the Respondent.

IA No.2 OF 2025 IN CRLA NO: 556 OF 2025 &

Between:

Shubash Kumar Sharma, S/o.Ram Sudhar Sharma

...Accused/Petitioner
(Accused in CRLA 556 OF 2025
on the file of High Court)

AND

The State of Telangana, Represented by the Public Prosecutor, High Court for the State of Telangana, Hyderabad.

...Complainant/Respondent
(Respondents in-do-)

Petition under Section 430(1) of BNSS, praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to enlarge the petitioner on bail in SESSIONS CASE No.70 of 2019 Dated.10-03-2025 on the file of the THE SPECIAL SESSIONS JUDGE FOR TRIAL OF SCs/STs (POA) ACT CASES CUM II ADDITIONAL DISTRICT AND SESSIONS JUDGE AT NALGONDA., pending disposal of CRLA No.556 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri G.L. NARASIMHA RAO, Advocate for the Appellant and Sri Syed Yasar Mamoon, Addl. PUBLIC PROSECUTOR for the Respondent.

IA No.1 OF 2026 IN CRLA NO:1131 OF 2025

Between:

Samudrala Shiva, S/o. Janaiah

...Appellant/Accused No.7
(Appellant in CRLA 1131 OF 2025
on the file of High Court)

AND

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

...Respondent
(Respondents in-do-)

Petition under Section 430(1) of BNSS, praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to suspend the execution of the sentences of imprisonment imposed on the Petitioner/A7 in S.C.No.70 of 2019, dated 10.03.2025 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 and direct to release the Petitioner/A7 on bail, pending disposal of CRLA No.1131 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of Sri VENKAT REDDY KODUMURY, Advocate for the Appellant and Sri Syed Yasar Mamoon, Addl. PUBLIC PROSECUTOR for the Respondent.

The Court made the following

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

HON'BLE SRI JUSTICE K. LAKSHMAN

AND

HON'BLE JUSTICE B.R. MADHUSUDHAN RAO

I.A. No.2 OF 2025 IN CRIMINAL APPEAL No.556 OF 2025,
I.A. No.1 OF 2025 IN CRIMINAL APPEAL No.493 OF 2025 &
I.A. No.1 OF 2026 IN CRIMINAL APPEAL No.1131 OF 2025.

Date: 24-03-2026

Between in Crl.A. No.556 of 2025:

Mr. Shubash Kumar Sharma

.. Petitioner - Appellant -

Accused No.2

Vs.

The State of Telangana, rep.by its
Public Prosecutor, High Court at Hyd.

.. Respondent - Complainant

This Court made the following:

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

Heard Mr. G.L. Narasimha Rao, learned counsel for the
petitioner - appellant in Crl.A. No.556 of 2025, Mr.M.A.K. Mukheed,
learned counsel for the petitioner - appellant in Crl.A. No.493 of 2025
and Mr. Venkat Reddy Kodumury, learned counsel for the petitioner -
appellant in Crl.A. No.1131 of 2025 and also Mr. Syed Yasar

Mamoon, learned Additional Public Prosecutor appearing on behalf of the respondent - State.

2. The petitioners herein are accused Nos.2, 5 and 7 in S.C. No.70 of 2019. *Vide* impugned judgment, dated 10.03.2025, learned Special Sessions Judge for trial of SCs/STs (POA) Act Cases-cum-II Additional District and Sessions Judge at Nalgonda, convicted accused No.2 for the offences under Section - 302 of IPC, Section - 27 (3) of the Arms Act and Section - 3 (2) (v) of SCs/STs (POA) Act and imposed death penalty and other sentences of imprisonment. Learned trial Court convicted accused No.5 for the offences punishable under Sections - 109 and 120-B read with 302 of IPC and Section - 3 (2) (v) of SCs/STs (POA) Act and sentenced him to undergo life imprisonment. Like-wise, learned trial Court also convicted accused No.7 for the offences under Sections - 120 read with 302 of IPC and Section - 3 (2) (v) of SCs/STs (POA) Act and sentenced him to undergo life imprisonment.

3. It is contended by learned counsel appearing for accused No.7 that there is no direct evidence in the present case. Entire case rests on circumstantial evidence. Even there is no evidence that

accused No.7 instigated accused No.1 to do away the life of the deceased. There was no evidence of conspiracy also. Further, the deceased is a Christian and does not belong to the Scheduled Castes and the Scheduled Community. Without considering all the said aspects, learned trial Court imposed life imprisonment, which is illegal.

4. It is contended by learned counsel appearing for accused Nos.2 and 5 that there are no specific allegations against them. PWs.2 and 3 never seen accused No.2. Therefore, question of identifying him does not arise. They were implicated in the aforesaid case even though they are unconcerned with the aforesaid offences. Prosecution failed to prove all the circumstances so as to form complete chain. Without considering the said aspects, learned trial Court recorded conviction and imposed life imprisonment on them.

5. As per the case of prosecution, the deceased got acquainted with PW.3, daughter of accused No.1. Accused No.7 is the Car driver of accused No.1. PWs.1 and 2 are the parents of the deceased. On coming to know about the relationship of the deceased with PW.3, accused No.1 did not like the same and discontinued her studies.

However, later the deceased and PW.3 married at Arya Samaj, Hyderabad and were living along with PWs.1 and 2. As accused No.1 did not accept their marriage since the deceased belongs to the scheduled caste and PW.3 belongs to Vysya Community. He planned to do away the life of the deceased. In pursuance of the same, on 14.09.2018 while the deceased, PW.2 and PW.3 were coming back from the hospital at about 13:30 hours, accused No.2 came behind and inflicted several blows and the deceased succumbed to the injuries.

6. Perusal of evidence would disclose that PWs.2 and 3 are the eye-witnesses for the murder of the deceased at the hands of accused No.2 with MO.1 i.e., butcher knife and he used it to murder the deceased, as a result, he died on the spot. Their evidence supported and corroborated by the evidence of PW.21 and PW.56. PW.21 the then head constable of Miryalguda II Town Police Station deposed that as per the instructions of his DSP, Miryalguda, he obtained finger prints of the petitioners herein and other accused on 18.09.2018 and handed over the same to the DSP. The evidence of PW.56 - expert and the contents of Ex.P137 establish that accused No.2 used MO.1 in the commission of offence. PW.35, who is said to be a witness whom accused Nos.2 to 4 threatened to participate in the offence, deposed

that he has been working as Ambulance Driver for the past seven years. He identified accused No.2.

7. Learned trial Court observed with regard to the role of accused No.2 that evidence of PW.39 coupled with the contents of Exs.P55 and 56, evidence of PW.41 coupled with the contents of Exs.P65, 65-A and 65-B and the evidence of PW.47, who is a *panch* witness to the confession-cum-seizure of material objects and also the evidence of PW.50 coupled with contents of Ex.P89 established that accused No.2 and accused No.4 known to each other. They were lodged in Central Prison, Rajahmundry during the same period, had acquaintance with each other and that accused No.4 kept accused No.2 in different lodges in furtherance of commission of aforesaid offences.

8. Relying on the evidence of PW.9, owner of Savera Lodge and contents of Ex.P5 - reception register and PW.11, owner of Sushma Hospital, Miryalaguda Town coupled with contents of Ex.P8 - DVD and evidence of PW.12, head constable of Tripuraram Police Station and Ex.P10 - DVD and also PW.15, owner of Venugopala Krishna Lodge, Narketpally, learned trial Court arrived at the conclusion that identity of accused No.2 was proved and also his

movements in the commission of offence. As per evidence of PW.56 and the contents of Ex.P137, learned trial Court arrived at the conclusion that accused No.2 used MO.1 in the commission of offence.

9. As far as accused No.5 is concerned, it is the specific case of the prosecution that since accused No.1 did not agree for the marriage of PW.3 with the deceased, accused No.1 wanted to do away the life of the deceased. In pursuance thereof, accused No.1 with the help of his brother, accused No.6, contacted accused No.5 through whom, accused Nos.3 and 4 came into his contact and thereafter, accused No.4 introduced accused No.2 to all other accused and they all conspired and entered into a deal of Rs.1.00 Crore. PW.1, the complainant and father of the deceased identified accused Nos.5 and 7. During cross-examination, he admitted that accused No.5 is a local leader in Miryalguda, but not a councilor as suggested. He is also working President of Town Congress Committee, Miryalguda. PW.2, mother of the deceased also supported the evidence of PW.1. She also identified accused No.5 while he was in Court as he resides in her colony. Even PW.3, the wife of the deceased, also identified accused

No.7, who was working as car driver of accused No.1. In paragraph No.133 of the impugned judgment, learned trial Court observed that the contents of Ex.P148 supported and corroborated the evidence of PW.3, who deposed that soon after the murder of the deceased and who called her father on phone and questioned him for killing her husband. Thus, it established that accused No.1 on knowing the murder of the deceased immediately contacted accused No.5 with whom conspired and hatched plan to kill the deceased to ascertain genuinity of the information received by him through his daughter (PW.3). Further, PW.59, who is Scientific Officer, collected specimen voice recordings of accused Nos.1, 4 and 5 and compared with the voice recordings which were retrieved in the CDRs and examined 17 call recordings by using ACU Expert software compared with specimen voice recordings and found that those are the voices of accused Nos.1, 4 and 5. Ex.P56 is the call data with regard to the calls between accused No.5 and 6 from 30.01.2018 to 16.06.2018.

10. As per the evidence of PW.17, a *panch* witness to the confession-cum-seizure *panchanama* of accused No.5 that on enquiry, accused No.5 confessed that accused No.1 stated that his daughter

married against his will and wish and sought for help. Then, accused No.5 along with accused No.7 gave Rs.1.00 Crore to accused No.4. On 14.09.2018, he went to Suryapet along with accused No.6, where the police arrested them. Then, accused No.5 produced MO.8- Samsung Mobile Phone and the same was recovered by the police in his presence.

11. As already discussed above, PW.21 obtained finger prints of accused Nos.2 and 5 and submitted report thereof by the Finger Print Expert while discussing the role of accused No.2. Learned trial Court observed in paragraph No.137 of impugned judgment that the contents of Ex.P172 - transcription of call records between accused Nos.1 and 5 also established that they conspired with other accused and accused No.1 was passing on the information about movements and whereabouts of the deceased and his family members to accused No.5. They have also used code words, like skylab.

12. Relying on the aforesaid evidence coupled with the evidence of PWs.52 to 54, 58, 59, 62 and 70 learned trial Court arrived at the conclusion that there was meeting of minds and entering into an agreement between the accused and the matter was settled for

Rs.1.00 Crore and out of which, some amount was paid by accused No.1 through accused No.5, to accused Nos.2 to 4.

13. As far as accused No.7 is concerned, it is the case of prosecution that accused No.1 and 6 conspired with accused Nos.2 to 5, 7 and 8 and committed the offence. PW.3 specifically deposed with regard to the role of accused No.7 stating that accused No.7 supported her father in commission of offence as he is the car driver of her father (accused No.1). She specifically deposed that accused No.7 warned her that she was in love with a person of lower community and was an untouchable and he interfered in her family affairs. Accused Nos.6 and 7 encouraged her father to commit the offence due to the caste differences and got conspired together and engaged hired killers to do away the life of her husband.

14. According to the prosecution, accused No.1 saved the SIM number of accused No.7 as Shiva Car, whereas accused No.7 saved the contact number of accused No.1 as '1111'. Thus, accused No.7 also helped accused No.2 in executing their criminal conspiracy to kill the deceased. As per Ex.P149, on 14.09.2018, accused No.1 called accused No.7 two times i.e., at 07:53.07 and 10:46.30, and both are

outgoing calls and, thereafter, accused No.1 received incoming calls from accused No.7 on 14.09.2018 at 10:53.41 and 12:33.00. All these calls are just before the murder of the deceased. This also establishes that accused Nos.1 and 7 conspired together with all the accused and hatched a plan to kill the deceased. Relying on the evidence of PWs.1 to 3, 17, 18, 21 and 47 coupled with the expert evidence of PWs.52 to 54, 58, 59, 62 and 70, learned trial Court arrived at the conclusion that the prosecution established the role of accused No.7 in the commission of aforesaid offences. Learned trial Court having observed so arrived at the conclusion that the petitioners played role in the commission of the aforesaid offences and accordingly convicted them.

15. Thus, *prima facie*, there are specific allegations against the petitioners herein. They have raised several grounds and contentions but the same can be considered at the time of hearing of appeal finally. While deciding bail application, this Court cannot analyze the evidence of prosecution witnesses as held by the Apex Court in

Omprakash Sahni v. Jai Shankar Chaudhary¹ and the same was reiterated in **Rajesh Upadhayay v. The State of Bihar²**.

16. As discussed supra, the marriage of the deceased with PW.3 is an inter-caste marriage. While granting bail to accused No.6 - paternal uncle of PW.3, *vide* order dated 05.01.2026 in I.A. No.1 of 2025, this Court observed that PW.78 Investigating Officer in his evidence stated that the Superintendent of Police, called accused No.1, the petitioner and conducted counselling and advised them not to threat the deceased and his parents and also PW.3. Instead of conducting counseling, they should have provided protection to the deceased and PW.3, considering the fact that it is an inter-caste marriage and the deceased is a Member of the Scheduled Caste as held by the Hon'ble Supreme Court in **Shakti Vahini v. Union of India³**, to avoid death of the deceased. Considering the grant of bail to accused No.6, learned counsel for the petitioners would also contend that to maintain parity, the petitioners are also entitled for grant of bail. But, *prima facie*, there are specific overt acts against the petitioners herein coupled with call data and other evidence. In the

¹. (2023) 6 SCC 123

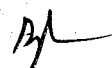
². 2025 INSC 1468

³. (2018) 7 SCC 192

light of the same, we are not inclined to grant bail to the petitioners herein. These applications are liable to be dismissed and accordingly the same are 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 Addl. District and Sessions Judge at Nalgonda.
2. The Superintendent, Central Prison, Cherlapally, Medchal Malkajgiri District.
3. One CC to SRI M A K MUKHEED, Advocate [OPUC]
4. One CC to SRI G.L NARASIMHA RAO, Advocate [OPUC]
5. One CC to SRI VENKAT REDDY KODUMURY, Advocate [OPUC]
6. Two CCs to PUBLIC PROSECUTOR, High Court at Hyderabad [OUT]
7. One spare copy

HIGH COURT

KL, J

&

BRMR, J

DATED:24.03.2026

LIST ON 06.07.2026

ORDER

**IA No. 1 OF 2025 IN CRLA NO: 493 OF 2025,
IA No.2 OF 2025 IN CRLA NO: 556 OF 2025 &
IA No. 1 OF 2026 IN CRLA NO: 1131 OF 2025.**

DISMISSING THE I.As.

