

HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE: CRL.A.No.588 of 2025

PROCEEDING SHEET

Sl. No	DATE	ORDER	OFFICE NOTE
	24.03.2026	<u>KL,J & BRMR,J</u> <u>I.A.No.1 of 2025</u> <i>(per the Hon'ble Justice B.R.Madhusudhan Rao)</i> Learned counsel for the petitioner – accused No.2 submits that the evidence of PW3 contradicts with the evidence of PW5 and PW7. PW3 has stated that all the accused axed her parents with axes but as per the evidence of PW7 only one axe was recovered, seizure of MO1 to MO3 disprove the causing of injuries with axes, non examination of the doctor is fatal to the case of the prosecution and the contradictions in the evidence of prosecution witness disprove the presence of PW3 at the scene of offence. It is further submitted that there is no one to look after the daughter of the petitioner by name Shirisha and prayed to grant bail. Learned Additional Public Prosecutor submits that the learned Trial Court has rightly taken into consideration the evidence of PW3 with that of the evidence of PW5 and PW7 coupled with MO-10, rightly convicted the petitioner – accused No.2 for Life along with other accused, petitioner – accused No.2 has not made out any case for grant of bail and prayed to dismiss the application. Petitioner – accused No.2 was found guilty for the offence under Section 302 read with Section 149 of IPC and sentenced to undergo imprisonment for Life	

		and to pay fine. Apart from the petitioner, accused Nos.3, 4 and 7 were also sentenced to life imprisonment and they were imposed different punishments for the offence they are charged with. The entire case of the prosecution is resting on the evidence of PW1 and PW3 with that of Ex.P7 and MO-10. PW3 is the daughter of the deceased Nos.1 and 2, her evidence is that on 24.12.2012 at about 06.00 p.m., while herself and her parents were present in the house, the accused persons came there holding knives and axes, intruded into their house and bolted the door from inside, axed both her parents with axes, they sustained injuries, fell down and died on the spot and she was also axed by the accused with axes and sticks, she sustained fracture to her head and other injuries. Thereafter accused left the house, bolted door from outside. In her cross examination she stated that she regained consciousness after PW1 returned home. Evidence of PW5 is to the extent that he acted as a panch witness to Ex.P3 – scene of offence panchanama and Ex.P4 - rough sketch map, where under MO1 – shabed stone with dark brown stains of blood, MO-2 another shabad stone and MO3 - stick stained with blood are seized. PW6 – Dr. Avinash deposed that on 24.12.2012 at about 10.00 p.m., PW3 was brought to the hospital in 108 ambulance, he examined her and found that she sustained a laceration on frontal and temporal regions, injuries suffered by her were grievous in nature and they could be caused by an axe and thereafter he issued Ex.P7 – wound certificate. PW7 – P.Raju deposed that he along with Tuppa Ramaiah went to the police station and they found	
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		seven persons, out of them three were male persons and four were female persons. On enquiry, all the persons confessed that one Venkataiah of their family was killed by deceased in the case for having illegal intimacy with a woman of their family, due to which they bore grudge against the family of the deceased and hence they have killed two persons [spouses] by hacking with axe and beating with sticks by trespassing into their house. Then they all went to their house and brought an axe [MO-10], stick [MO-3] and shirt [MO-4] from their house and panchanama is prepared, admissible portion of panchanama and seizure is Ex.P8. Ex.P10 is the post mortem examination report of deceased No.2 - Chowta Anjilamma, which goes to show that the cause of death of the deceased is cardiogenic shock. Ex.P11 is the post mortem examination report of deceased No.1 - Chowta Narsimulu, which goes to show that the cause of the death of the deceased is brain hemorrhage to shock. Ex.P7 is the wound certificate of PW3. PW1 is the brother of PW3, his evidence is hearsay and he lodged Ex.P1-complaint. On close scrutiny of the evidence of PW3 specific overt acts are not attributed against the petitioner – accused No.2 and the evidence of PW7 is only to the extent of confession of the accused and recovery of material objects. In view of the inconsistency in the evidence of PW3 and PW7, petitioner – accused No.2 has strong case in succeeding the appeal and evidence of PW3 does not speak about specific overt acts against each of the accused. We are taking up the criminal appeals of the year	
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		2016-2018, the present appeal cannot be heard in near future rendering the conviction effectively final if bail is not granted. Petitioner is a woman and she is aged about 40 years. In the light of the same, we are inclined to grant bail to the petitioner – accused No.2. Therefore, the sentence of imprisonment imposed on the petitioner - accused No.2 <i>vide</i> impugned judgment dated 20.03.2025 in S.C.No.117 of 2015 passed by the learned Principal Sessions Judge, Vikarabad District, is alone suspended pending disposal of the appeal and petitioner – accused No.2, namely Chouta Laxmi, is released on bail on the following conditions: - The petitioner - accused No.2 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two (02) sureties of like sum amount each, to the satisfaction of the learned Principal Sessions Judge, Vikarabad District. - Petitioner - accused No.2 shall not involve in any criminal activities. Accordingly I.A.No.1 of 2025 is allowed and disposed of. _____ KL,J _____ BRMR,J Dua	
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