

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

**MONDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE**

:PRESENT:

**THE HONOURABLE SRI JUSTICE K.LAKSHMAN
AND
THE HONOURABLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY**

**IA No. 1 OF 2025
IN
CRLA NO: 377 OF 2021**

Between:

**Kurma Venkateshulu , Venkat Chinna , Venkatesh, S/o. Late Venkatappa.
...Petitioner/Appellant
(Appellant in CRLA 377 OF 2021
on the file of High Court)**

AND

**State of Telangana, rep. by its P.P. High Court at Hyderabad for the State of
Telangana.
...Respondent/Complainant
(Respondent in-do-)**

Counsel for the Petitioner : Smt AMMAJI NETTEM

**Counsel for the Respondent : Sri SYED YASAR MAMOON
Additional PUBLIC PROSECUTOR (TG)**

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 be pleased to enlarge the petitioner on Bail by suspending the execution of the sentence of imprisonment imposed against the petitioner in Judgment dated 18-12-2016 passed in S.C.No. 191 of 2017 on the file of the Court of the IV Additional Metropolitan Sessions Judge at Hyderabad, pending disposal of CRLA No. 377 of 2021, on the file of the High Court.

The Court made the following
ORDER

**Heard Smt. Ammaji Nettem, learned counsel for the petitioner and
Sri Syed Yasar Mamoon, learned Additional Public Prosecutor.**

This application is filed seeking to suspend the sentence passed on 18.12.2026 in S.C.No.191 of 2017 by the IV Additional Metropolitan Sessions Judge at Hyderabad, and grant bail to the petitioner herein, pending disposal of the appeal.

The petitioner herein is sole accused in S.C.No.191 of 2017. Vide impugned judgment dated 18.12.2026, learned trial Court convicted the petitioner for the offence under sections 302 of IPC and sentenced him to undergo Life Imprisonment.

The allegation levelled against the petitioner herein is that he has killed the deceased and took Rs.2000/- from him.

Learned counsel for the petitioner would contend that the trial Court cannot record conviction against the petitioner basing on the last seen theory. The evidence of P.Ws. 2, 5 and 14 is not reliable. The prosecution failed to prove motive. In all the other cases, the petitioner was acquitted.

P.W.14's evidence is not reliable. He cannot be treated as an eye witness. M.O.2 – boulder, was not sent to FSL. There is delay of one month in conducting Test Identification Parade. Without considering the said aspects, learned trial Court recorded conviction against the petitioner herein. He is in jail from 18.12.2020.

Whereas, learned Additional Public Prosecutor would contend that the petitioner is an habitual offender and P.W.14 is an eye witness. P.Ws. 2 and 3 specifically deposed about the role played by the petitioner in commission of offence and on consideration of the said aspects only, learned trial Court convicted the petitioner herein.

P.W.14 specifically deposed about the commission of offence by the petitioner that the petitioner beat him and snatched away an amount of Rs.2000/- from him. The petitioner forcibly made the short man (the deceased) to sit on his bike with the help of one Sai and took that man to open place towards Indira Nagar into dark. 10 to 15 minutes thereafter, the

two friends of that short man came to him and asked him about their friend by name Brahman who have quarreled with the petitioner, for which, he has stated to them that the petitioner by name Venkat, is a rowdy sheeter, had taken their friend on a motor cycle and also advised them to search for their friend. Later this witness went to his house. On the next day morning, when he woke up at about 6.30 A.M., he heard that one person was beaten and was in a pool of blood in the open place in Indira Nagar area. P.Ws. 2 and 5 and 14 identified the petitioner in TIP. P.W.9 is the Magistrate who conducted Test Identification Parade (TIP) and issued Ex.P.5 TIP proceedings. P.W.12 is the doctor who conducted autopsy over the dead body of the deceased and found the following injuries:-

1. A laceration of 3 x 2 c.m. over the scalp,
2. Right Black Eye was noted and Right Ear bleed noted,
3. Two lacerations of 2 x 1 c.m. on left arm,
4. Three lacerations of 2 x 1 c.m. on right arm,
5. Swelling as noted near right elbow.

On perusal of the record would also reveal that the petitioner involved in 5 cases and the details of the same are mentioned in the charge sheet.

Learned Public Prosecutor, has also produced written instructions from the Station House Officer, Banjara Hills Police Station, wherein it is stated that the petitioner is involved in 10 cases, the details of which are mentioned therein. Perusal of the same would reveal that he has involved in 10 cases, acquitted in 03 cases and convicted in 04 cases.

The offence committed by the petitioner is grave and serious.

Analysis of evidence of witnesses while considering bail application is impermissible as held by the Hon'ble Supreme Court in Omprakash Sahni v. Jai Shankar Chaudhary [(2023) 6 SCC 123]. The contentions/grounds

raised by the petitioner in this application can be considered at the time of hearing the appeal.

In the light of the same, this Court is not inclined to grant bail to the petitioner and this application is liable to be dismissed and is dismissed.

SD/- A JAYA SREE
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The III Additional Chief Metropolitan Magistrate, Hyderabad.
2. The IV Additional Metropolitan Sessions Judge at Hyderabad.
3. One CC to SMT. AMMAJI NETTEM Advocate [OPUC]
4. The Superintendent, Sangareddy Jail, Sangareddy District.
5. Two CCs to PUBLIC PROSECUTOR, High Court of Telangana at Hyderabad [OUT]
6. One spare copy

HIGH COURT

**KL, J
and
VRKR, J**

DATED:01/12/2025

**ORDER
I.A.No.1 of 2025
IN
CRLA.No.377 of 2021**

I.A.DISMISSED

