

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

AND

THE HONOURABLE JUSTICE B.R.MADHUSUDHAN RAO

I.A.No.2 OF 2024

IN

CRLA NO: 763 OF 2024

Between

Elaveni Naveen, S/o.Narsaiah

...Appellant/Accused

(Appellant in CRLA NO: 763 OF 2024
on the file of High Court)

AND

The State of Telangana, rep. by its Public Prosecutor, High Court of Judicature At
Hyderabad.

...Respondent/Complainant

(Respondent in-do-)

Counsel for the Petitioner: SRI P VISHNUVARDHANA REDDY

**Counsel for the Respondent: SRI SYED YASAR MAMOON, ADDL. PUBLIC
PROSECUTOR**

Application under Section 430(1) of B.N.S.S. praying that in the circumstances stated
in the Interim Bail Application, the High Court may be to enlarge the petitioner/accused on
bail by suspending the sentence imposed by the Principal Sessions Judge, Rajanna Sircilla
District in SC.No.245 of 2024, dated 12/07/2024;

The Court made the following

ORDER:

**Heard Mr. P. Vishnuvardhan Reddy, learned counsel for the petitioner -
accused and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor
appearing on behalf of the respondent - State.**

The petitioner herein is sole accused in S.C. No.245 of 2021. *Vide* impugned judgment dated 12.07.2024, learned Principal Sessions Judge, Rajanna - Sircilla District, convicted the petitioner for the offence under Section - 302 of IPC and sentenced him to undergo life imprisonment.

Mr. P. Vishnuvardhan Reddy, learned counsel appearing for the petitioner would contend that as per Ex.P19 - RFSL report, blood stains are not found in MO.1 - spade. PWs.5, 8 and 9 turned hostile. Therefore, prosecution failed to prove that MO.1 was recovered from the accused. Prosecution failed to examine any independent witnesses. PWs.1 and 2 are interested witnesses. Learned trial Court failed to consider nature of injuries. Even in Ex.P15, initially it was mentioned that the deceased fell from the tree and, thereafter, it was corrected as assault hit by other person at home. The same was not considered by learned trial Court. PW.10, the doctor, who conducted autopsy over the dead body of the deceased, during cross-examination, specifically admitted that there is possibility of injuries sustained by the deceased when a person falls from a tree, but it depends on height from which the person has fallen. The petitioner is in jail from 12.07.2024.

Whereas, learned Additional Public Prosecutor would contend that PWs.1 and 2 are eye-witnesses. Though PW.9 turned hostile, his chief-examination to the possible extent is useful to the prosecution to be relied upon. PW.10, the doctor, who conducted autopsy over the dead body of the deceased, specifically stated about the injuries and cause of death. Ex.P14 is the post-mortem examination report. MO.1 was recovered from the petitioner and PW.2 is the

panch witness. On consideration of the said aspects only, learned trial Court convicted him for the aforesaid offence and sentenced him to undergo life imprisonment. The offence committed by the petitioner is serious and grave in nature.

PW.1 is the daughter of the deceased. She has specifically deposed about the incident and attack on the deceased by the petitioner with MO.1 - spade. She has specifically deposed about the quarrel between the deceased and the accused. She interfered and questioned the accused upon which, he took an Axe and tried to attack her. She has informed the said fact to her LW.2 and her brother (PW.2), who came to her house. On seeing them, the accused took a spade and attacked her father and killed him. Even then, nothing useful is elicited from her. PW.2 is her brother. He has also specifically deposed on the very same lines as deposed by PW.1. PW.9, neighbour of the accused, also deposed that while the deceased and the father of the accused were quarreling, he was proceeding in front of the house of the accused. However, he stated that he did not know the reason for the said quarrel. PW.10 is the doctor, who conducted autopsy over the dead body of the deceased, and she found five external injuries. According to her, cause of death is due to head injury. PW.11 is the doctor, who treated the deceased first and according to her, she treated the deceased and referred him to CT-Scan. Thereafter, they have conducted surgery and the patient was kept on Ventilator. There was no improvement in his health condition, as such, he was discharged from the hospital on 08.09.2020 at the request of his relatives.

In the examination under Section - 313 of Cr.P.C., the accused has specifically stated that PW.1 due to property disputes quarreled with him and falsely implicated in the present case. On consideration of the said aspects only,

learned trial Court convicted the petitioner for the aforesaid offence and sentenced him to undergo life imprisonment. Analysis of evidence of prosecution witnesses while considering bail application is impermissible as held by the Apex Court in Omprakash Sahni v. Jai Shankar Chaudhary [(2023) 6 SCC 123].

Thus, *prima facie*, there are specific overt acts against the petitioners herein. Therefore, we are not inclined to grant bail to the petitioner herein. This application is liable to be dismissed and accordingly the same is dismissed.

Sd/- M.OSMAN ALI BAIG
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The II Additional Judicial Magistrate of First Class, Rajanna Sircilla.
2. The Superintendent, Central Prison, Cherlapalli, Medchal-Malkajgiri.
3. The Station House Officer, Police Station Thangallapalli, District Rajanna Sircilla.
4. One CC to Sri P.VISHNUVARDHANA REDDY, Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad. [OUT]
6. One spare copy

HIGH COURT

**KL, J
&
BRMR, J**

DATED: 20-04-2026

LIST ON 29-07-2026

ORDER

**I.A.No. 2 OF 2024
IN
CRLA NO: 763 OF 2024**

DISMISSING THE I.A.

