

HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE: CrI.A.No.936 of 2023

PROCEEDING SHEET

Sl. No	DATE	ORDER	OFFICE NOTE
	04.05.2026	<u>KL, J & BRMR, J</u> <u>I.A.No.1 of 2026</u> Heard Mr.S.Madan Mohan Rao, learned counsel for the petitioner/accused and Mr.Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent–State. Petitioner is the sole accused in S.C.No.37 of 2022. <i>Vide</i> impugned judgment dated 20.10.2023, learned trial Court convicted him for the offence punishable under Section 302 of IPC and sentenced him to undergo life imprisonment. This is the second bail application. <i>Vide</i> order dated 10.11.2023 in I.A.No.1 of 2023, this Court dismissed the first bail application filed by the petitioner. Mr.S.Madan Mohan Rao, learned counsel for the petitioner/accused would contend that the prosecution did not collect any evidence with regard to substance alleged to have been mixed by the	

¹ 2025 CRI.L.J.3027

² (2021) 3 Supreme Court Cases 713

³ (2023) 2 Supreme Court Cases 353

⁴ 201 (2) ALD (CrI.) 90 (AP)

⁵ 2025 (2) ALT (CrI.) 31 (DB) (T.S)

	petitioner in ‘Sulai’ (mutton curry). PW.10/Investigating Officer during cross-examination categorically held that he received the said information on 08.01.2020. For a period of 12 days, except issuing requisition to the Magistrate to record dying declaration, he did not take any steps to investigate the matter. Till registration of the case, he did not notice any seriousness in this case. He started investigating the case only after receipt of complaint from P.W.1. He further admitted that he has not recorded the statements of the Doctors, who gave treatment to the deceased. Though the alleged incident was occurred on 24.12.2019, Ex.P1-complaint was lodged on 20.01.2020. Deceased died on 19.01.2020. Ex.P10/ Section Alteration Memo was filed on 22.07.2020. Learned counsel for the petitioner placed reliance on the principle laid down by the Hon’ble Apex Court in Ramkirat Munilal Goud v. State of Maharashtra Etc.¹, Union of India K.A.Najeeb², Manoj and others v. State of Madhya Pradesh³ and also judgments of this Court in Thumma Babul Reddy v. State of Andhra Pradesh⁴ and Syed Hyder Ali and another v. State of Telangana rep. by Public Prosecutor⁵. The facts in the said cases are distinguishable. In	
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	the said cases, except the FSL report, there is no evidence. Whereas in the present case, P.W.7 has recorded the dying declaration of the deceased under Ex.P5. However, several contentions and grounds raised by the petitioner can be considered at the time of hearing of the appeal finally. Perusal of the record would reveal that the Investigating Officer did not collect FSL report from the expert. P.W.8, who conducted autopsy over the body of the deceased specifically deposed that he has collected viscera and sent the same to FSL, Hyderabad. On receipt of FSL report, he gave final opinion report (Ex.P7). The said FSL report was collected during trial. However in Ex.P5 dying declaration, deceased specifically stated that the petitioner mixing something in the mutton curry, and on having the same, in the night at about 1:00 A.M, he suffered with vomiting and loose motions. In the said dying declaration, he also stated that the petitioner mixed pesticide in the curry. Basing on the said Ex.P5 dying declaration, learned trial Court convicted the accused. We have considered the aforesaid aspects while dismissing the first bail application on 10.11.2023 in	
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I.A.No.1 of 2023.

This is the second bail application. There is no dispute with regard to legal position that successive bail applications are maintainable. However, petitioner has to show that there is a change of circumstance in the present case, but, there no change of circumstance from 10.11.2023 till today. Therefore, we are not inclined to grant bail to the petitioner. Therefore, this application is liable to be dismissed and accordingly, the same is dismissed.

I.A.No.3 of 2026

List on 15.07.2026.

In the meanwhile, learned Additional Public Prosecutor shall file counter.

KL, J

BRMR, J

vsu

