

**HON'BLE SRI JUSTICE K. LAKSHMAN
AND
HON'BLE JUSTICE B.R. MADHUSUDHAN RAO**

I.A.No.1 of 2025 in CrI.A.No.1034 of 2024,

I.A.No.1 of 2024 in CrI.A.No.971 of 2024

and

I.A.No.1 of 2024 in CrI.A.No.961 of 2024

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

Heard Sri Akhil Ennamsetty, learned counsel for the petitioners/A.2, A.11, A.13 to A.17 in I.A.No.1 of 2024 in CrI.A.No.971 of 2024, Smt. C.Vasundhara Reddy, learned counsel for the petitioners/A.6 and A.12 in I.A.No.1 of 2025 in CrI.A.No.1034 of 2024 and for the petitioners/A.3, A.7 to A.10 in I.A.No.1 of 2024 in CrI.A.No.961 of 2024.

2. The respective petitioners filed these applications seeking to suspend the sentence of imprisonment imposed against them vide judgment dated 16.10.2024 in S.C.No.350 of 2021 by the learned Principal Sessions Judge, at Asifabad pending disposal of the Criminal Appeals.

3. The petitioners herein are A.2, A.3, A.6, A.7 to A.10, A.11, A.12 and A.13 to A.17.

4. Vide impugned judgment dated 16.10.2024, learned Principal Sessions Judge, at Asifabad, convicted the aforesaid accused for the offences punishable under Sections 147, 148, 302 and 120(B) read with 149 of I.P.C and sentenced with Life Imprisonment and fine which is as follows:-

- i. A.2 to A.4, A.6 to A.17 each are sentenced to undergo Rigorous Imprisonment for Life and to pay a fine of Rs.2,000/- (Rupees two thousand only) each, in default to undergo rigorous imprisonment for a period of two months for the offence punishable under Section 120-B of IPC.
- ii. A.2 to A.4, A.6 to A.17 each sentenced to undergo Rigorous Imprisonment for two years for the offence punishable under Section 147 of IPC.
- iii. A.2 to A.4, A.6 to A.17 each sentenced to undergo Rigorous Imprisonment for three years and to pay a fine of Rs.2,000/- (Rupees two thousand only) each, in default to undergo rigorous imprisonment for a period of two months for the offence punishable under Section 148 read with 149 of IPC.
- iv. A.1 to A.4, A.6 to A.17 each sentenced to undergo Rigorous Imprisonment for Life and to pay a fine of Rs.5,000/- (Rupees five thousand only) each, in default to undergo rigorous imprisonment for a

period of five months for the offence punishable under Section 302 read with 149 IPC.

5. According to the prosecution, A.1 tried to outrage modesty of P.W.5 by catching hold her hand. There is also love affair between A.1 and P.W.7, daughter of deceased. In Ex.P.1-complaint, names of A.1, A.2, A.3, A.4, A.5, A.6, A.7, A.8, A.9, A.10, A.12, A.14, A.15, A.16 and A.17 and others are mentioned. It is relevant to note that P.W.1 in her Ex.P.1 - complaint dated 19.08.2020 stated that on the date of incident, while P.W.5, sister-in-law of the deceased, returning home after closing kirana shop, A.1 tried to outrage the modesty of P.W.5 by catching hold of her hand and when she raised cries, A.1 escaped from the scene. Then, A.1 along with other accused formed into an unlawful assembly and A.1 axed her husband/the deceased on his forehead with an axe brought with him, caused bleeding injury while the others beat her and her family members with sticks and stones causing injuries and during the incident she lost her gold ornaments.

6. According to the prosecution, the motive of the accused is that there was love affair between A.1 and P.W.7, daughter of the deceased and a panchayat was held in the house of A.3 two months

prior to the incident. The deceased refused for the said proposal. According to the prosecution, on the day of incident, A.1 caught hold the hand of P.W.5, sister-in-law of the deceased, and tried to outrage her modesty. Thus, according to the prosecution the motive of the accused behind the incident is twofold.

7. A.4 is the father of A.1. A.2 is the wife of A.14. Even as per the prosecution and depositions of the P.Ws. 1 to 7, the allegation levelled against A.2 is that she beat P.W.1. There is also an allegation against A.2 that she beat P.W.1 with an axe and thereafter passed the axe to A.1, but in Ex.P.1 - complaint, P.W.1 stated that A.1 brought the axe with him. Thus, *prima facie*, there is contradiction with regard to the said axe. P.W.1 in her deposition categorically stated that A.2 beat her with axe and in cross-examination, she has admitted that she did not receive bleeding injuries except an injury on the left cheek. P.W.7's deposition is also in the same lines. A.2 is a woman and she is aged about 41 years, she is a cooli.

8. *Prima facie*, there are no allegations against A.3. Even according to P.Ws.1 to 7, a panchayat was held in the house of A.3 two months prior to the said incident with regard to love affair between A.1 and P.W.7. The deceased refused for the said proposal.

Prima facie, there are no allegations of committing the murder of the deceased by A.3.

9. There is also an allegation against A.3 that he has committed theft of gold chain of the deceased. Even P.W.1 in her cross-examination admitted that wife of A.3 returned the ring to the police. Learned trial Court acquitted the accused for the offence under 379 of IPC.

10. A.7 to A.9 are sons of A.3. There are no allegations against them, except that they caught hold the deceased family. The allegation leveled against A.13 is that she brought chilli powder and sprinkled on them, but *prima facie*, there is no supporting evidence to the said fact. Even, against A.15 to A.16, there is no allegation of committing murder of the deceased except the allegation that they have hurled stones.

11. It is also relevant to note that on the day of incident i.e. on 19.08.2020, it was 'Poolala Amavasya' a local festival. There was no power. The said fact was deposed by P.Ws.1 to 7. The same is confirmed by P.W.15 - the Investigating Officer.

12. A.2 is woman aged about 41 years, A.12 is also a woman. She is aged about 48 years. She is mother of A.1, wife of A.4.

13. It is also pertinent to note that A.10 is granted interim bail on 08.04.2025 in I.A.No.1/2025 in Crl.A.No.961 of 2024. A.7 is granted interim bail on 29.07.2025 in I.A.No.4/2025 in Crl.A.No.961 of 2024. A.3 is granted interim bail on 29.04.2025 in I.A.No.2/2025 in Crl.A.No.961 of 2024. A.16 is granted interim bail on 20.08.2025 in I.A.No.3/2025 in Crl.A.No.971 of 2024. A.15 is granted interim bail on 24.04.2025 in I.A.No.1/2025 in Crl.A.No.971 of 2024.

14. *Prima facie*, there are serious allegations against A.1, his father A.4, A.6 and A.7. Several grounds/contentions raised by the petitioners and the prosecution can be considered at the time of hearing of the Appeals finally. Therefore, we are inclined to grant bail to A.2, A.3, A.8 to A.17 only.

15. In the light of the aforesaid discussion, I.A.No.1 of 2024 in Crl.A.No.971 of 2024 is allowed, whereas, I.A.No.1 of 2025 in Crl.A.No.1034 of 2024 and I.A.No.1 of 2024 in Crl.A.No.961 of 2024 are allowed in part and the sentence of imprisonment imposed on the petitioners - A.2, A.3, A.8 to A.17 alone is suspended pending disposal of the appeals, and they are released on bail on the following conditions:

- i) The petitioners/A.2, A.3, A.8 to A.17 shall execute a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two (02) sureties for a like sum each to the satisfaction of learned Principal Sessions Judge, Asifabad.
- ii) A.7, who is on interim bail, is directed to surrender before the Superintendent, Central Prison, Cherlapally, Medchal – Malkajgiri District, on 08.10.2025 by 5.00 P.M.
- iii) They shall report before Rebbena Police Station, Kumarambheem Asifabad District, once in a week i.e., every Sunday between 10.00 A.M. and 5.00 P.M. pending disposal of the appeals.
- iv) They shall not involve in any criminal activities while they are on bail.
- v) In view of the seriousness of the allegations and that the deceased family and accused families from the same village, liberty is granted to the said Police, to seek cancellation of the present bail in the event of involvement of these accused in any criminal activities and any act which disturbs peace and tranquility in the village, while they are on bail.
- vi) They shall not indulge in any criminal acts during bail period.

JUSTICE K. LAKSHMAN

JUSTICE B.R.MADHUSUDHAN RAO

Date: 06.10.2025

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