

**HIGH COURT FOR THE STATE OF TELANGANA**

**Main Case No.: CrI.A. No.961 OF 2024**

**PROCEEDING SHEET**

| SL. No. | DATE       | ORDER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | OFFICE NOTE |
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|         | 07.11.2025 | <p><b><u>KL,J &amp; VRKR,J</u></b></p> <p style="text-align: center;"><b><u>I.A. No.6 OF 2025</u></b><br/>(Per Hon'ble KL,J)</p> <p>Orders are pronounced.</p> <p>Heard Mrs. C. Vasundhara Reddy, learned counsel for the petitioner - appellant No.2 - accused No.7 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing on behalf of the respondent - State.</p> <p>The petitioner herein is accused No.7 in S.C. No.350 of 2021. <i>Vide</i> impugned judgment, dated 16.10.2024, learned Principal Sessions Judge at Asifabad, convicted the petitioner herein for the offences under Sections - 120-B, 147, 148 and 302 read with 149 of IPC and sentenced him to undergo life imprisonment.</p> <p>Learned counsel for the petitioner would contend that:</p> <p>i) There are no specific overt acts against the petitioner herein in commission of the offences alleged against him.</p> |             |

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|         |      | <p>ii) There is no evidence that the petitioner shared his intent or knowledge with other accused for commission of alleged offences.</p> <p>iii) The alleged incident had taken place on <i>Amavasya</i> night with no power supply in the entire village, identification of culprit, the petitioner in the present case, is highly doubtful.</p> <p>iv) As per omnibus allegations, the case of prosecution is that accused Nos.1, 4, 6 and the petitioner herein alleged to have dragged the deceased towards the house of accused No.3. Even assuming for a moment without accepting such allegation, dragging is not an act of assault or participation in the alleged commission and at the most it would amount to wrongful restraint under Section 341 of IPC.</p> <p>v) There was delay in lodging the complaint.</p> <p>vi) The petitioner was implicated in the present case as he belongs to the same village along with accused Nos.3, 8 and</p> |             |

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|         |      | <p>9, while the family of other accused and the family of the deceased are related to each other.</p> <p>vii) Without considering all the said aspects, the trial Court recorded conviction against the petitioner erroneously.</p> <p>viii) The petitioner has been languishing in jail from 16.10.2024.</p> <p>ix) The allegations against the petitioner herein and co-accused Nos.3, 8 and 9 are similar, but they were granted bail. The petitioner herein is also standing on the very same footing. The said aspect was not considered in the earlier bail application.</p> <p>With the aforesaid submissions, learned counsel sought to grant bail to the petitioner herein also.</p> <p>Whereas, learned Additional Public Prosecutor would contend that the trial Court recorded conviction relying on the evidence of PWs.1, wife of the deceased, PW.2, younger brother of the deceased, PW.3 and PW.7, son and daughter of the deceased, PW.5, sister of the deceased, PW.6, nephew of the deceased.</p> |             |

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|         |      | <p>There are specific overt acts against the petitioner herein in commission of offences. The petitioner caught hold of the deceased firmly at the time of commission of offence. Therefore, the trial Court relying on the said evidence arrived at the conclusion that he committed the aforesaid offences. Therefore, there is no error in it. The offences committed by the petitioner are serious and grave in nature. Merely because the other co-accused were granted bail is not a ground for granting bail to the petitioner. Therefore, he sought to dismiss the present application.</p> <p>Perusal of record would reveal that according to the prosecution, PW.1 and the deceased are wife and husband. PW.2 and 5 are the brother and sister of the deceased respectively, while PW.3 and PW.7 are the son and daughter of the deceased respectively and PW.6 is the nephew of the deceased. The family of the deceased and family of accused belong to <i>lambada</i> community and residents of Singleguda Village of Rebbena Mandal. The alleged motive behind the commission of aforesaid offences was the daughter of the</p> |             |

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|         |      | <p>deceased and accused No.1 fell in love with each other and the accused family sent a marriage proposal, for which the deceased did not agree. In this regard, there were quarrels between the two families. Accordingly, accused Nos.1 to 17 and Child in Conflict with Law (CCL) conspired with each other to kill the deceased on the occasion of birthday celebration of the daughter of accused No.2 on 19.08.2020. They hatched a plan and at about 21.00 hours, when PW.5, sister of the deceased, was returning home after closing her Kirana shop, accused No.1 misbehaved with her and caught hold of her hand with an intention to outrage her modest. On hearing cries of PW.5, the deceased and his family members came out. As per the plan, accused Nos.5 to 7 lifted the deceased to some distance, accused No.2 brought an Axe and beat on the face of PW.5, then accused No.1 took the said Axe from accused No.2 and axed the deceased over his forehead.</p> <p>It is also the case of prosecution that accused No.4 beat the deceased with stick, while accused Nos.8 to 11 pelted stone using</p> |             |

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|         |      | <p>cell phone torch lights over the family members of the deceased. Accused No.12 and the CCL arranged sticks and stones, while accused No.13 sprinkled red chilli powder on PWs.1 and 5. Accused No.3 snatched gold chain from the deceased. Accused Nos.14 to 17 covered the area to avoid the intervention of others. As a result of which, the deceased sustained bleeding injuries and died on the way to Hospital.</p> <p>Perusal of evidence of prosecution witnesses, PW.1, wife of the deceased deposed that accused Nos.1, 4, 7 and 6 came to her house and abducted her husband and accused No.7, 8, 9, 10 and 11 caught hold of the deceased firmly and accused Nos.7 to 9 opened mobile phone lights. PW.2, younger brother of the deceased, deposed that accused Nos.7 to 9 hurled stones upon him. PW.3, son of the deceased, deposed that accused No.7 and 8 hurled sticks and stones upon the deceased. PW.5 and PW.7, sister and daughter of the deceased, respectively, deposed on the very same lines of deposition of PW.1.</p> |             |

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|         |      | <p>The contentions of learned counsel for the petitioner, there was no share of common objection on the part of the petitioner, the petitioner had no knowledge of such common sharing, that even assuming for a moment without admitting, when analyzed the evidence of PWs.1 to 3, 5 and 7, at the most, an offence under Section - 341 of IPC (wrongful restraint), would attract against the petitioner - accused No.7 and that the alleged incident occurred on <i>Amavasya</i> night and there was no power supply in the entire village and, therefore, it is very difficult to identify the culprit etc., can be considered at the time of hearing of appeal finally. She also raised several other contentions and grounds and the same can be considered at the time of hearing of appeal finally. Analysis of evidence of witnesses while considering bail application is impermissible as held by the Hon'ble Supreme Court in <b>Omprakash Sahni v. Jai Shankar Chaudhary [(2023) 6 SCC 123]</b>.</p> <p>However, learned counsel for the petitioner herein brought to the notice of this Court that accused Nos.8 and 9 against whom</p> |             |

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|            |      | <p>similar allegations levelled, were granted bail in the earlier bail petition while dismissing the bail to the petitioner herein.</p> <p>Perusal of record would reveal that accused Nos.1, 2, 4 to 6 and 10 to 17 and CCL are related to each other, while accused Nos.8 and 9 and also the petitioner herein are villagers and family friends to them. <i>Vide</i> order dated 06.10.2025, this Court granted bail to accused Nos.8 and 9. As rightly contended by learned counsel for the petitioner that the petitioner herein - accused No.7 stands on the very same footing. But, somehow, this Court missed the said fact in the earlier bail application and directed him to surrender before the Superintendent, Central Prison, Cherlapally on 08.10.2025 by 5.00 P.M. as he was on <i>interim</i> bail.</p> <p>Having regard to the facts and circumstances of the case and also the fact that accused Nos.8 and 9 were granted bail, to maintain parity, we are inclined to grant bail to the petitioner herein also.</p> |                |

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|            |      | <p>Therefore, I.A. No.6 of 2025 is allowed and the sentence of imprisonment imposed on the petitioner - appellant No.2 - accused No.7 alone is suspended pending disposal of the appeal, and the petitioner - appellant No.2 - accused No.7, <i>namely</i> Ajmera Arvind S/o A. Vasantha Rao, is released on bail on the following conditions:</p> <ul style="list-style-type: none"> <li>i) He 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 the Principal Sessions Judge, Asifabad.</li> <li>ii) He shall report before Rebbena Police Station, Kumaram Bheem - Asifabad District, once in a week i.e., every Sunday between 10.00 A.M. and 5.00 P.M., pending disposal of the appeal.</li> <li>iii) He shall not indulge in any criminal acts during bail period.</li> <li>iv) In view of the seriousness of allegations and both the families of the deceased and the accused hail from the same village, liberty is granted to the Police,</li> </ul> |                |

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|            | “    | <p>Rebbena Police Station, to seek cancellation of present bail in the event of involvement of the petitioner herein in any criminal activities and any act which disturbs peace and tranquility in the Village while he is on bail.</p> <p><b><u>Crl.A. No.961 OF 2024</u></b></p> <p>List on 17.12.2025.</p> <p style="text-align: right;">_____<br/><b>KL,J</b></p> <p style="text-align: right;">_____<br/><b>VRKR,J</b></p> <p>Mgr</p> |                |

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