

HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE: Crl.A.No.997 and 892 of 2024, 1073 of 2023
PROCEEDING SHEET

Sl. No	DATE	ORDER	OFFICE NOTE
	22.06.2026	<u>KL,J & BRMR,J</u> <u>I.A.No.1 of 2024 in Crl.A.No.997 of 2024</u> Heard Sri Syed Nagur Vali, learned counsel representing Sri Kothapalli Jhanshirani, learned counsel for the petitioners/Accused and Sri M.Ramachandra Reddy, learned Additional Public Prosecutor. Petitioner is Accused No.11 in S.C.No.518 of 2021. <i>Vide</i> impugned judgment dated 28.08.2023, learned Principal Sessions Judge, at Jagtial, convicted him for the offence punishable under Section 302 r/w 34 of IPC and sentenced him to undergo life imprisonment. Learned counsel for the petitioner would contend that there is no motive, more particularly, strong motive to kill the deceased. Prosecution failed to prove the same. Even according to P.W.1, both the accused and deceased consumed liquor. They belong to the same village. There are no eye witnesses to the incident. The circumstances relied upon by the prosecution did not form a complete chain. Though the scene of offence is abutting to the road, prosecution did not examine any witnesses. According to the prosecution, P.W.4 only witnessed the incident, which is highly improbable. Even according to P.W.1, deceased had criminal history	

	and he received life threats. Without considering the said aspects, learned trial Court convicted petitioner/A1 for the aforesaid offence and sentenced him to undergo life imprisonment. Whereas, learned Additional Public Prosecutor would contend that learned trial Court by placing reliance on the deposition of P.W.1 and also recoveries, convicted Petitioner/Accused No.1. In light of the aforesaid submissions, it is apt to note that P.W.1 is the wife of the deceased. She specifically deposed that on 30.12.2019, at about 6:00 p.m., A1 and A2 came to their house and took her husband with them on the pretext of demanding repayment of an amount. On that night, her husband did not return home. On 31.12.2019, at about 7:30 a.m., L.W.5 came to her house and informed her that her husband was lying in a pool of blood in front of the Gouda Sangam Office. Upon reaching the spot, she found her husband lying in a pool of blood with multiple injuries on his body. She also noticed a towel tied around his neck. Thus, she has specifically deposed about the accused attacking the deceased along with others. According to the prosecution, there are disputes between the Petitioner/A1 and the deceased with regard to denial of the deceased to lend an amount of Rs.5.00 lakhs. According to P.W.12, the Doctor, who conducted autopsy over the dead body of the deceased, the cause	
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		of death is hemorrhagic shock due to multiple fractures caused by trauma. Ex.P7 is the Post Mortem Examination report. However, 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 Chaudhary¹. Learned counsel for the petitioner/A1 would contend that P.W.12 during cross-examination categorically admitted that the said injuries are possible, if any person falls from a two wheeler. However, the said aspect can be considered at the time of hearing of the appeal finally. <i>Prima facie</i>, there are specific overt acts against the petitioner and also the offence committed by him is heinous. Therefore, we are not inclined to grant bail to the petitioners. This bail application is liable to be dismissed, and accordingly, the same is dismissed. _____ KL,J _____ BRMR,J <u>Criminal Appeal Nos.997 and 829 of 2024 and 1073 of 2023</u> List on 12.08.2026. B/o.kvs	
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¹ (2023) 6 SCC 123

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