

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY, THE THIRTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE**

:PRESENT:

THE HONOURABLE JUSTICE MOUSHUMI BHATTACHARYA

AND

THE HONOURABLE JUSTICE B.R.MADHUSUDHAN RAO

IA No. 2 OF 2022

IN

CRLA NO: 545 OF 2022

Between:

1. Jadhav Kashi Bai, W/o Chandru
2. Ade Manik Rao, S/o Lachu

...Petitioners/Appellants

(Appellants in CRLA 545 OF 2022
on the file of High Court)

AND

The State of Telangana, through S.H.O., Narnoor Police Station, Adilabad District,
rep. By its Public Prosecutor, High Court, Hyderabad.

...Respondent/Respondent

(Respondent in-do-)

Counsel for the Petitioner : SRI GAJANAND CHAKRAVARTHI

**Counsel for the Respondent : SRI M. RAMCHANDRA REDDY,
ADDL. PUBLIC PROSECUTOR**

Petition under Section 389(1) Cr.P.C praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to enlarge the petitioners/appellants on bail by suspending the sentence imposed in suspend the sentence imposed in S.C. No. 255 of 2018 dt. 14.07.2022 on the file of the Principal Session Judge at Adilabad, pending disposal of CRLA No. 545 of 2022, on the file of the High Court.

The Court made the following

**THE HON'BLE JUSTICE MOUSHUMI BHATTACHARYA
AND
THE HON'BLE JUSTICE B.R.MADHUSUDHAN RAO**

**I.A.NO.2 OF 2022
in
CRIMINAL APPEAL 545 of 2022**

Mr. Gajanand Chakravarthi, learned counsel for the appellants.

Mr. M. Rama Chandra Reddy, the learned Additional Public Prosecutor appearing for the respondent-State.

ORDER: (Per Hon'ble. Justice Moushumi Bhattacharya)

The petitioners/appellants seek suspension of sentence passed by the learned Principal Sessions Judge at Adilabad on 14.07.2022 in Sessions Case No.255 of 2018 and release of the petitioners on bail.

2. The petitioners/appellants were accused Nos.1 and 2 (A.1 and A.2) before the Trial Court in Sessions Case No.255 of 2018. By the impugned judgment dated 14.07.2022, the petitioners/A.1 and A.2 were found guilty of the offences under sections 449, 120B and 302 r/w 34 of The Indian Penal Code, 1860, convicted under section 235(2) of The Code of Criminal Procedure, 1973, and sentenced to life imprisonment.

3. A.1 is the mother-in-law of the deceased and A.2 is a friend and neighbour of A.1. The Trial Court acquitted A.3, who was the husband of the deceased.

4. The factual background of the offence, as stated in the Chargesheet, are as follows:

5. A.1 and A.2 hatched a plan to kill the deceased (daughter-in-law of A.1) as they suspected that the deceased would disclose the intimacy between A.1 and A.2 to the villagers. On 21.09.2017, A.3, the husband of the deceased, went to Utnoor to go to Hyderabad for work. On 22.09.2017 at about 2:30 A.M., A.2 came to A.1 and entered the house of the deceased through a partitioned wooden pole door. A.2 opened the main door for A.1 to enter the house. Then, A.1 and A.2 went into the bedroom of the deceased where the deceased was sleeping along with her 2-year-old daughter and 6-month-old son. A.2 strangled the deceased with her saree and dragged the deceased from the bed on to the floor. A.1 hit the deceased with a stone on the head, throat and other parts of the body and killed the deceased. The daughter of the deceased started crying and A.1 took her outside. A.2 fled the scene with the stone (weapon of offence).

6. Learned counsel appearing for the petitioners/A.1 and A.2 argues that the conviction was based on circumstantial evidence and the deposition of P.W.10 (daughter of the deceased and granddaughter of A.1). Counsel submits that there were no eyewitnesses to the offence and there was also no motive established by the prosecution for charging the petitioners of the

offence of killing the deceased. It is also submitted that there is no evidence of any relationship established between A.1 and A.2 which could have led them to kill the deceased.

7. The learned Additional Public Prosecutor places the evidence of the family members of the deceased as well as the maternal uncle of the deceased to submit that A.1 and A.3 had harassed the deceased for additional dowry which was brought out by the evidence of all the family members. The Additional Public Prosecutor also places the evidence of P.W.9 (sister-in-law of A.3) who made a specific statement of A.1 and A.2 living together.

8. We have considered the submissions and the material relevant for the question of suspension of sentence and grant of bail.

9. Contrary to the submissions made on behalf of the petitioners, we find that P.W.10 (daughter of the deceased and A.3) was an eyewitness to the offence. P.W.10 was about 4 years on the date of the incident i.e., 22.09.2017. P.W.10 identified both A.1 and A.2 and stated that A.1 is her paternal grandmother. P.W.10 made a categorical statement that her mother was killed by A.1 and A.2 (in fact, she refers to both A.1 and A.2 by their individual names). P.W.10 deposed that she saw both A.1 and A.2 killing her mother by stabbing her and thereafter beating her with

a stone and strangulating her with the saree which the deceased was wearing at the time of her assault/death. P.W.10 further deposed that she was hiding underneath the bed and further that A.2 told P.W.10 that he would kill her as well as her brother. However, A.1 stopped A.2 from carrying out the threat. P.W.10 further makes a specific statement that she can identify both A.1 and A.2, but does not want to talk to them as they killed her mother. P.W.10 further states in her cross-examination that she was aged about 4 years on the date of the incident.

10. We do not find any reason either to disbelieve the testimony of P.W.10 or discount the strength of her evidence. It is recorded in the evidence of P.W.10 (child witness) that the Court followed the appropriate procedure for interviewing her and only thereafter commenced the examination-in-chief and cross-examination.

11. We also find the deposition given by the family members to contain incriminating evidence with regard to the offence.

12. All the witnesses including P.W.1 (father of the deceased), P.W.2 (mother of the deceased), P.W.3 (brother of the deceased), P.W.4 (sister of the deceased) and P.W.5 (maternal uncle of the deceased) have given specific statements of A.1 and A.3 demanding additional dowry from the deceased and the harassment meted out to the deceased by A.1 and A.3.

13. P.Ws.1 and 2 deposed that there were at least 3 panchayats held with village elders at Saidpur, Umri and Narnoor Villages for counselling A.1 and A.3. P.W.2 also deposed that A.1 and A.3 would beat the deceased for additional dowry. P.W.3 also deposed that the deceased used to be beaten up for additional dowry and that the deceased informed the same to P.W.3 on the phone. P.Ws.4 and 5 reiterated the facts of harassment and physical torture suffered by the deceased.

14. Therefore, the evidence of P.Ws.1 to 5 established that the deceased was physically tortured by A.1 and A.3 for additional dowry.

15. The fact that A.1 and A.2 could have been in a relationship was established by P.W.9, who stated that A.1 and A.2 used to live together. This statement finds corroboration in the deposition of P.W.10, who stated that A.1 used to live beside the house of A.3 and the deceased by reason of family disputes.

16. Apart from the eyewitness account of P.W.10, the evidence of the other witnesses mentioned above establishes that the deceased was physically harassed and abused for additional dowry. The evidence presented before the Court amounts to a strong case in favour of the prosecution.

17. In a recent decision in *The State of Madhya Pradesh Vs. Balveer Singh*¹, the Supreme Court summarized the principles with regard to appreciation of evidence of a child witness. The Supreme Court held that the evidence of a child witness is deemed to be on the same footing as any other witness as long as the child is found to be competent to testify.

18. We do not find any reason to reject the eyewitness account of P.W.10 for the purpose of suspending the sentence and granting bail to the petitioners/A.1 and A.2, pending hearing of the Criminal Appeal.

19. We have stated our reasons for not being inclined to enlarge the petitioners on bail. We propose to hear the main Appeal itself and decide all the issues raised finally.

20. I.A.No.2 of 2022 is accordingly dismissed.

SD/-MD.ISMAIL
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrateat Utnoor
2. The Superintendent, Central Prison, Chanchalguda, Hyderabad
3. The Superintendent, Central prison, Cherlapally, Ranga Reddy District
4. One CC to Sri Gajanand Chakravarthi Advocate [OPUC]
5. Two CC to Public Prosecutor, High Court at Hyderabad (OUT)
6. Two spare copies

¹ 2025 INSC 261

HIGH COURT

MBJ

&

BRMRJ

DATED:13/03/2025

ORDER

IA. NO. 2 OF 2022

IN

CRLA.No.545 of 2022



APPLICATION IS DISMISSED