

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

TUESDAY, THE TENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY ✓
AND
THE HON'BLE SMT. JUSTICE JUVVADI SRIDEVI ✓

IA No. 1 OF 2022
IN
CRLA NO: 660 OF 2022 ✓

Between:

Chinthala Ramesh, S/o. Venkaiah.

...Petitioner/Appellant
(Appellant in CRLA 660 OF 2022
on the file of High Court)

AND

The State of Telangana, rep., by its Public Prosecutor High Court for the State of Telangana
at Hyderabad.

...Respondent/Complainant
(Respondents in-do-)

Petition under Section 389(1) of Cr.P.C praying that in the circumstances stated in the grounds filed in support of the Crl.A, the High Court may be pleased to suspend the execution of sentence passed in S.C.No. 196 of 2016 on the file of Principal Sessions Judge, Suryapet, dated 24/11/2022, and release the petitioner on bail, Pending disposal of CRLA No.660 of 2022, on the file of the High Court.

The Petition coming on for hearing, upon perusing the Appeal and the affidavit filed in support thereof and upon hearing the arguments of Sri T. S. ANIRUDH REDDY, ✓ Advocate for the Appellant and PUBLIC PROSECUTOR, Advocate for the Respondent, the Court made the following

ORDER

The present I.A. is filed seeking to enlarge the petitioner/appellant on bail pending disposal of the present Criminal Appeal.

Learned counsel for the appellant has stated that without there being any evidence on record, the learned Sessions Court has convicted the accused. Learned counsel has stated that except the evidence of P.W.5, there is no other evidence to prove the presence of the appellant herein at the scene of the crime. Moreover, the evidence of P.W.5 has also been shattered in the cross-examination, but without considering the same, the learned Sessions Court has convicted the appellant herein. Learned counsel ✓ has further stated that P.Ws. 1 to 4 were not present at the scene of offence when the incident has taken place. Even the evidence of P.W.10-Doctor, also does not implicate

the appellant herein in the offence. Further, the learned counsel has stated that the evidence of P.W.2, who is none other than the son of the deceased, shows that the relationship between the deceased and the accused and other members of the family were cordial and there was no animosity between them and therefore prayed this Court to enlarge the appellant herein on bail.

Per contra, learned Additional Public Prosecutor has stated that Ex.P6 i.e., Post Mortem Examination Certificate clearly and unerringly points out the guilt of the appellant herein and furthermore the evidence of P.W.10-Doctor, shows that the deceased died of head injuries. Moreover, the appellant also received injuries and the same is reflected in Ex.P6.

The learned Additional Public Prosecutor has further stated that Ex.P9 i.e., FSL Report shows that the blood of the deceased was present on M.O.1 i.e., the shirt of the appellant herein and that the evidence of P.Ws.4 and 5 supports the case of the prosecution. Even Ex.P10 coupled with the evidence of P.W.12-Doctor, points out the guilt of the appellant herein and therefore prayed this Court to dismiss the present I.A.

Without going into the merits and demerits of the case, having regard to the above made submissions, the nature of crime and also the reasons given by the Sessions Court in convicting the accused, we are not inclined to grant bail to the petitioner/appellant.

Accordingly, the present I.A. is dismissed.

//TRUE COPY//

SD/- G.SIREESHA
ASSISTANT REGISTRAR

2023

SECTION OFFICER

To,

1. The Principal Judicial Magistrate of First Class, Kodad.
2. The Principal Sessions Judge, Suryapet.
3. The Station House Officer, Kodad Police Station, Suryapet.
4. The Superintendent, Central Jail, Cherlapally, Ranga Reddy dist.
5. One CC to SRI. T S ANIRUDH REDDY, Advocate [OPUC]
6. Two CCs to PUBLIC PROSECUTOR, High Court at Hyderabad [OUT]
7. Two spare copy

HIGH COURT

**AAR,J
&
JS,J**

DATED:10/01/2023

ORDER

**IA No. 1 OF 2022
IN
CRLA NO: 660 OF 2022**

IA DISMISSED

