

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

WEDNESDAY, THE TWENTY FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

**THE HONOURABLE SRI JUSTICE K.LAKSHMAN
AND
THE HONOURABLE JUSTICE B.R.MADHUSUDHAN RAO**

**IA No. 2 OF 2022
IN
CRLA NO: 678 OF 2022**

Between:

Smt. Pullagurla Rajini, W/o. Nimmala Sridhar Reddy, Previously W/o Anantha Reddy

...Appellant/Accused No.2
(Appellant in CRLA 678 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 High Court Premises, Hyderabad.

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

Counsel for the Petitioner : M/s.C RUTHWIK REDDY

Counsel for the Respondent : PUBLIC PROSECUTOR

Petition under Section 389(1) r/w 482 of 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 suspend the sentence and release the petitioner on Bail, pending
disposal of the above Criminal Appeal filed against the Judgment dated. 24.01.2022
in S.C. No: 328 of 2016 passed by the XI Additional District and Sessions judge-cum-
XI Additional Metropolitan Sessions Judge (FTC) Rangareddy District at Medchal,
pending disposal of CRLA No.678 of 2022, on the file of the High Court.

The Court made the following

THE HON'BLE SRI JUSTICE K.LAKSHMAN

AND

THE HON'BLE JUSTICE B.R.MADHUSUDHAN RAO

I.A.NO.2 OF 2022 IN CRIMINAL APPEAL.NO.678 OF 2022

ORDER: (per Justice B.R.Madhusudhan Rao)

1. The present application is filed by the petitioner-A2 to suspend the execution of sentence passed in SC.No.328 of 2016 dated 24.01.2022 by the XI Additional District and Sessions Judge cum XI Additional Metropolitan Sessions Judge (FTC), Rangareddy District at Medchal and to release him on bail pending disposal of Criminal Appeal.

2. Learned Senior Counsel for petitioner-A2 submits that the learned District Judge erred in convicting petitioner-A2 under Section 302 of Indian Penal Code (for short 'IPC') by placing reliance on highly interested and discrepant testimonies of PWs.1, 3 and 4, who are relatives of the deceased, there is no strong motive to kill the deceased and there is abnormal delay in lodging a report to the police about the occurrence. The offence took place on 27.08.2013, but the report was lodged at 21:10 hours (09.10 P.M.) though PW.1 went to the police station by 07.00 P.M. PW.2 is the neighbour did not support the prosecution case and he was declared hostile. No documentary evidence is placed to establish

that the accused are tenants of PW.1. The learned Judge should have discredited the evidence of PW.1, wherein he stated that after extra judicial confession is made by A1, he went to the scene of offence and then lodged Ex.P1-complaint. In his cross-examination, he admitted that he visited the scene of offence at about 9.00 P.M. and that PW.1 could not give the names of other tenants in his house and he did not inform them about the death of the deceased in the said house till the police visited the scene of offence. According to PW.1, the scene of offence portion was locked and according to PW.11 – Investigating Officer, the door of the said portion was not locked, but it was closed. As per the evidence of PW.11 – Investigating Officer, the scene of offence portion is situated at center of the three portions on the 2nd floor of the building but no neighbours were examined nor cited as a witness and prayed to enlarge the petitioner-A2 on bail.

3. The learned Additional Public Prosecutor submits that the evidence of PWs.1 and 4 supports the case of the prosecution in all aspects and the evidence led in, is cogent and trustworthy and the petitioner-A2 is not entitled for grant of bail.

4. Ex.P1 is the complaint lodged by PW.1 on 28.08.2013 which discloses that on 28.08.2013 at about 7.00 P.M. during night hours, Rajini and Srinivas approached him and disclosed that

Krishna Chaitanya (deceased) has been torturing Rajini physically and mentally to fulfill his sexual desire if not he would disclose her illicit relationship with Srinivas (A1) to her relatives and the villagers, Rajini has no option and disclosed the same to Srinivas (A1) and they planned to poison the deceased (Krishna Chaitanya) with Hydres Powder in the supper. On 27.08.2013 about 11.00 P.M. Krishna Chaitanya (deceased) reached the house in intoxicated condition and had supper, developed nausea like symptoms and vomited heavily, then succumbed to poison. Rajini and Srinivas planned to abandon the corpse into some distant jungles but they were not dare enough to abandon the corpse in their rented house and fled the scene. Complainant rushed into their house portion, witnessed the corpse of Krishna Chaitanya in the plastic gunny bag hidden below the shelf in the hall, he immediately sought the intervention of the police.

5. The evidence of PW.1 is the replica of Ex.P1. In his cross-examination, he stated that he lodged Ex.P1 - complaint between 8.00 and 9.00 P.M. to the police and there is no lease agreement between him and A1 and A2, there are four portions in the 2nd floor and in the said floor, the murder has taken place, he do not know the names of the tenants of the other three portions in the 2nd floor. He did not visit the scene of offence portion after Srinivas-A1

has informed him but he went to the portion along with police on the same day at about 9.00 P.M.

6. PW.3 is the father of the deceased, his evidence is that his son came in contact with A2 (petitioner herein) in a marriage function performed at Nalgonda and he started living with her. Srinivas-A1 used to visit the house of A2 almost four days in a week. A2 (petitioner herein) informed the abusive language used by the deceased towards her to A1 and both hatched a plan and eliminated his son by mixing poison in the food.

7. The evidence of PW.5 is that A2 has confessed about the commission of murder and also stated how he came into contact with A1, the confession panchanama is Ex.P3 and MO.1 is the plastic container containing white powder.

8. The evidence of PW.9 is that the cause of death of the deceased (Krishna Chaitanya) is due to Sodium Sulphate Poisoning.

9. PW.11 is the Investigating Officer of the case, his evidence is that after receiving complaint from PW.1, he registered Ex.P13-FIR and immediately visited the house, secured the presence of PW.8 and K.Jagan Reddy - LW.7, conducted scene observation panchanama - Ex.P10 and drawn rough sketch - Ex.P11 and

found the dead body in plastic rice bags and he seized them. In his cross-examination, he stated that Ex.P1 was presented at 21:10 hours and it was a written complaint, the house was not locked but it was closed.

10. Analysis of evidence of witnesses while considering bail application is impermissible as held by the Hon'ble Supreme Court in **Omprakash Sahni Vs. Jai Shankar Chaudhary and Another**¹.

Paragraph No.33 is relevant and the same is extracted as under:

"33. Bearing in mind the aforesaid principles of law, the endeavour on the part of the Court, therefore, should be to see as to whether the case presented by the prosecution and accepted by the Trial Court can be said to be a case in which, ultimately the convict stands for fair chances of acquittal. If the answer to the above said question is to be in the affirmative, as a necessary corollary, we shall have to say that, if ultimately the convict appears to be entitled to have an acquittal at the hands of this Court, he should not be kept behind the bars for a pretty long time till the conclusion of the appeal, which usually take very long for decision and disposal. However, while undertaking the exercise to ascertain whether the convict has fair chances of acquittal, what is to be looked into is something palpable. To put it in other words, something which is very apparent or gross on the face of the record, on the basis of which, the Court can arrive at a prima facie satisfaction that the conviction may not be sustainable. The Appellate Court should not re-appreciate the evidence at the stage of Section 389 of the Cr.P.C. and try to pick up few

¹ (2023) 6 SCC 123

lacunas or loopholes here or there in the case of the prosecution. Such would not be a correct approach.”

11. The learned Trial Court has discussed the evidence adduced by the prosecution at Para Nos.37, 40, 42 and 45 and held that A1 and petitioner-A2 are guilty for the offence under Section 302 of IPC.

12. The contentions raised by the learned Senior Counsel are to be looked into during the course of final hearing of the matter. *Prima facie*, petitioner-A2 has not made out any case for grant of bail.

13. We are of the view that petitioner-A2 has not made out any case for grant of bail and the same is dismissed.

14. Accordingly, IA.No.2 of 2025 is dismissed.

SD/-M.NAGAMANI
ASSISTANT REGISTRAR ②

//TRUE COPY//

SECTION OFFICER

To,

1. The XI Additional District and Sessions judge-cum-XI Additional Metropolitan Sessions Judge (FTC) Rangareddy District at Medchal.
2. The Superintendent, Central Women Prison, Chenchalguda, Hyderabad.
3. One CC to SRI C.RUTHWIK REDDY, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court at Hyderabad [OUT]
5. One spare copy

HIGH COURT

KL, J

&

BRMR,J

DATED:24.09.2025

LIST ON 12.11.2025

ORDER



I.A.No.2 of 2022

IN

CRLA.No.678 of 2022

I.A is dismissed