

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

:PRESENT:

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

I.A.No. 1 & 2 OF 2025 IN CRLA NO: 1381 OF 2025
I.A.No. 1 OF 2025 IN CRLA NO: 1361 OF 2025
I.A.No. 2 OF 2026 IN CRLA NO: 34 OF 2026

I.A.No. 1 & 2 OF 2025 IN CRLA NO: 1381 OF 2025

Between

Hulcha Raja@Suri,, S/o. Maddileti, Aged. 26 years, Occ. Auto Driver,R/o. NTR
Buildings, Kurnool Town.

...Appellant/A6
(in both the petitions)

AND

State of Telangana, rep. by P.P. High Court for the State of Telangana at
Hyderabad.

...RESPONDENT/Complainant
(in both the petitions)

Counsel for the Petitioner: SRI P. PRABHAKAR REDDY
Counsel for the Respondent: PUBLIC PROSECUTOR

IA.NO. 2 OF 2025

Appeal under Section 430(1) of B.N.S.S. praying that in the circumstances
stated in the grounds filed in support of the CRIMINAL APPEAL, the High Court may
be pleased to suspend the execution of sentence in S.C. No.114 of 2021 dated
09/12/2025 on the file of the Principal District and Sessions Judge Jogulamba
Gadwal District and grant bail to the petitioner/A6, pending disposal of CRLA No
1381 of 2025, on the file of the High Court.

I.A.No. 1 OF 2025 IN CRLA NO: 1361 OF 2025

Between

Dadapogu Mahesh@ gana,, S/o. Krishna, Aged.20 years, Occ. Auto Driver, R/o.
NTR buildings, Karnool Town.

Appellant/A3

AND

State of Telangana, rep. by P.P. High Court for the State of Telangana at Hyderabad

...RESPONDENT/Complainant

Counsel for the Petitioner: SRI P. PRABHAKR REDDY

Counsel for the Respondent: PUBLIC PROSECUTOR

Appeal under Section 430(1) of B.N.S.S. praying that in the circumstances stated in the grounds filed in support of the CRIMINAL APPEAL, the High Court may be pleased to suspend the execution of sentence in S.C. No.114 of 2021 dated 09-12-2025 on the file of the Principal District and Sessions Judge Jogulamba Gadwal District and grant bail to the petitioner, pending disposal of CRLA No 1361 of 2025, on the file of the High Court.

I.A.No. 2 OF 2026 IN CRLA NO: 34 OF 2026

Between

Ediga Mahendra, S/o Eswar Goud, Aged 20 years, Occ. Painter, R/o. NTR buildings, Kurnool Town.

Appellant/A4

AND

State of Telangana, rep. by P.P. High Court for the State of Telangana at Hyderabad.

...RESPONDENT/Complainant

Counsel for the Petitioner: SRI PRABHAKAR REDDY

Counsel for the Respondent: PUBLIC PROSECUTOR

Appeal under Section 430(1) of B.N.S.S. praying that in the circumstances stated in the grounds filed in support of the CRIMINAL APPEAL, the High Court may be pleased to suspend the execution of sentence in S.C. No.114 of 2021 dated 09/12/2025 on the file of the Principal District and Sessions Judge Jogulamba Gadwal District and grant bail to the petitioner, pending disposal of CRLA No 34 of 2026, on the file of the High Court.

The Court made the following

ORDER

Heard Sri Sankalp Pissay, learned counsel representing Sri Vijay Pissay, learned counsel for the petitioner/A6, Sri S.Vijaya Prashanth, learned counsel for the petitioner/A3 and Sri Y.Ashok Raj, learned counsel for the petitioner/A4 and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor.

Petitioners herein are A3, A4 and A6 in S.C.No.114 of 2021. Vide impugned judgment dated 09.12.2025, learned Principal District and Sessions Judge, Jogulamba Gadwal, convicted A3 and A4 for the offences punishable under Section 302 r/w 34 of IPC and A6 for the offence under Section 109 IPC and sentenced them to undergo life imprisonment.

It is the specific contention of the learned counsel for the petitioners herein that absolutely there is no eye witness to the incident and the entire case rests on the circumstantial evidence. P.W.4 is not an eye witness and his evidence is not believable. Basing on the call data record, learned trial Court convicted the petitioner/A6. Prosecution failed to prove motive. Relying on the evidence of PW.4, learned trial Court acquitted A5 and convicted A6. Therefore, there are fair chances of A6 succeeding in the present appeal. They are in jail from 09.12.2025. The Test Identification Parade of the accused was not conducted. Basing on the aforesaid submissions, learned counsel for the petitioners sought to grant bail to the accused.

Whereas, learned Additional Public Prosecutor would contend that there are specific overt acts against all the accused and the role played by them is deposed by all the prosecution witnesses more particularly, P.W.4/eye witness to the incident. The offence committed by the petitioners is serious and grave in nature.

In the light of the said submissions, perusal of record would reveal that P.W.4 is the eye witness and child witness. He is son of the deceased and A1. He deposed about the incident specifically. According to him, on 03.06.2019 at about 10:00 p.m., they were returning from Kurnool to their native village, Alampur, on a motorbike after consulting a doctor. When their motor bike reached near Imampur village, at that time, four persons came on a motor cycle in opposite direction and waylaid their motor bike. A2 to A5 are the said persons, who came on bike and waylaid their motor bike and all of them got down. A4 hit his father with beer bottle on his head causing bleeding injuries. Then, they got down from the motor bike. Meanwhile, his mother/A1 took him and his younger brother and when they raised hue and cry, then A1 gagged their mouth with her hands. Thereafter, A2 to A5 took his father towards fields abutting to the main road. Meanwhile, A1 called L.W.5 over phone and informed about the incident. Thus, they have killed his father. The motive behind killing his father is due to developing of illicit intimacy of A1 with A2 and his deceased father has admonished him for coming over to home and in order to get rid away of his father, they killed him.

P.W.4 is the son of the deceased and A1. He specifically spoke about the incident. Therefore, there is no need of conducting Test Identification Parade of the accused.

It is also apt to note that during cross-examination, he has admitted that he has not seen A3 to A5 before the incident, but he has seen for the first time at the time of the incident. After Seeing A3 to A5 on the date of the incident and again seeing them for the time in the Court. He did not know about the particulars of A3 to A5. He did not state before police about A2 coming to their house regularly and his extra marital relation with his mother. However, the said aspects can be considered at the time of hearing of the appeal finally.

The Investigating Officer has collected Ex.P31 call data record in respect of A6. Basing on the same and also on the evidence, both oral and documentary, learned trial Court convicted A6.

Prima facie, there are specific overt acts against A3, A4 and A6 and the role played by them was also spoken by the prosecution witnesses.

Prosecution has proved motive by examining the aforesaid witnesses including P.W.4/eye witness. The offence committed by the petitioners is grave and serious

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 Chaudhary[(2023) 6 SCC 123].

Learned counsel for the petitioner/A6, while placing reliance on the judgment of Hon'ble Supreme Court in Kiriti Pal v. State of West Bengal¹ would contend that basing on the call data record Ex.P31, learned trial Court cannot convict A6. However, the said aspect can be considered at the time of hearing of the appeal finally.

In view of the same, we are not inclined to grant bail to the petitioner. This bail application is liable to be dismissed and accordingly, dismissed.

Sd/-REKHA RANI B
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal District and Sessions Judge at Jogulamba Gadwal District.
2. The Superintendent, Central Prison, Cherlapally, Medchal Malkajgiri District.
3. The Station House Officer, Alampur P.S.
4. One CC to Sri. PRABHAKAR REDDY Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
6. One spare copy

¹ (2015) 11 Supreme Court Cases 178

HIGH COURT

KL, J
&
BRMR, J

DATED: 29-04-2026

ORDER

I.A.No. 1 & 2 OF 2025 IN CRLA NO: 1381 OF 2025
I.A.No. 1 OF 2025 IN CRLA NO: 1361 OF 2025
I.A.No. 2 OF 2026 IN CRLA NO: 34 OF 2026

DISMISSED

