

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**
FRIDAY, THE SEVENTEENTH DAY OF NOVEMBER, TWO THOUSAND AND
SEVENTEEN
: PRESENT :
THE HONOURABLE DR JUSTICE SHAMEEM AKTHER

CRLP .No. 9728 of 2017

Between:-

- 1.G. Rajeswari (As per FIR N. Rajeswari), W/o. G. Gopal
(As per FIR N. Gopal)
- 2.Smt G. Jaya Lakshmi (as per FIR N. Jaya Lakshmi)
D/o. G. Gopal (As per FIR N. Gopal), W/o. Mone Eranna.

..... Petitioners/A3 & A4

AND

State of Andhra Pradesh, Rep. by its Public Prosecutor,
High Court at Hyderabad.

...Respondent.

Petition filed under Section 438 of Cr.P.C. praying that in the circumstances stated in the petition and grounds thereof, the High Court may be pleased to anticipatory bail to the petitioners, directing the Station House Officer, Guntakal II Town Police Station to release the petitioner in the event of their arrest in connection with Crime No. 100 of 2016, in the interest of justice

The petition coming on for hearing, upon perusing the memorandum of grounds filed in support thereof and upon hearing the arguments of Sri Butta Vijaya Bhaskar, Advocate for the Petitioners and the Addl. Public Prosecutor(AP) for the Respondent-State, the Court made the following

ORDER :-

“This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioners/accused Nos.3 and 4, for grant of anticipatory bail in the event of their arrest in Crime No.100 of 2016 on the file of the Guntakal II Town Police Station, Anantapuramu District, registered for the offences punishable under Sections 498-A, 304-II read with Section 34 of I.P.C.

Heard the learned counsel for the petitioners/accused Nos.3 and 4, learned Additional Public Prosecutor representing the respondent-State and perused the record.

The learned counsel for the petitioners/accused Nos.3 and 4 would submit that the petitioners/accused Nos.3 and 4 are innocent persons and they are falsely implicated in this case. They have no role to play in the death of the deceased. First Information Report was issued under Section 174 of Cr.P.C. The other accused in this case were already granted regular bail and ultimately prayed to allow this application.

On the other hand, the learned Additional Public Prosecutor opposed for grant of anticipatory bail to the petitioners/accused Nos.3 and 4 contending that there are grave and specific allegations against the petitioners/accused Nos.3 and 4.

Contd.2..

The material on record reveals that the deceased Hemalatha was given in marriage to the accused No.1 in this case, two years back. Thereafter, the petitioners/accused Nos.3 and 4, along with the other accused, harassed the deceased mentally. The same was informed by the deceased to her father, who is the de-facto complainant in this case on many occasions, who advised her to adjust. It is also alleged that petitioners/accused Nos.3 and 4 have stated the deceased to die, so that they can perform the marriage of the accused No.1 with another woman. There is also allegation that prior to the death of the deceased, when the deceased went to Dharmavaram, she was beaten by the petitioners/accused Nos.3 and 4 and the other accused. She was not provided food, amenities etc., and suffered ill health. The petitioners/accused Nos.3 and 4 and other accused did not provide medical treatment to her. Eventually, she died on 27.09.2016. In the Post Mortem Examination report, it was stated that the deceased died of 'lung disease with blunt injury to abdomen'. As per the submissions of the learned counsel for the petitioners/accused Nos.3 and 4, the petitioner/accused No.4 is the sister-in-law of the deceased and she has a family and she is living separately along with her husband at Shanti Nagar, Yemmiganur, Kurnool District, whereas, the petitioner/accused No.3, who is the mother-in-law of the deceased, was living with her son/accused No.1 and daughter-in-law (deceased) at Pottisriramulu Road, Guntakal Town, Anantapuramu District. The First Information Report was lodged with the Guntakal II Town Police Station. Having regard to the allegations levelled against the petitioner/accused No.4, her place of residence and as she is having a family to look after, the genuineness of the accusations levelled against her requires to be decided after due trial. Therefore, this Court is inclined to grant bail to the petitioner/accused No.4 under Section 438 of Cr.P.C. on some conditions. In view of the gravity and nature of offences levelled against the petitioner/accused No.3 and as she is living with the accused No.1 and others, this Court is not inclined to grant bail to the petitioner/accused No.3 under Section 438 of Cr.P.C.

Accordingly, the Criminal Petition, insofar as it relates to the petitioner/accused No.3, is dismissed. The petitioner/accused No.4 is directed to surrender before the Station House Officer, Guntakal II Town Police Station, Anantapuramu District, within a period of 15 days from the date of this order. On such surrender, the Station House Officer, Guntakal II Town Police Station, Anantapuramu District, shall release the petitioner/accused No.4 on bail on her executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties in a like sum each to his satisfaction. After being released on bail, the petitioner/accused No.4 shall report before the Station House Officer, Guntakal II Town Police Station, Anantapuramu District, on every Second Saturday between 09:00 AM and 10:00 AM, till filing of the charge-sheet. She shall also abide by the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, 1973, and shall cooperate with the investigation officer in the investigation of the case.

The Criminal Petition is, accordingly, allowed in part.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed."

//TRUE COPY//

ASSISTANT REGISTRAR

for ASSISTANT REGISTRAR
Contd..3...

To

- 1.The Judicial First Class Magistrate, Kalyandurg, Anantapur District.
- 2.The Station House Officer, Guntakal II Town Police Station,
Aantapuramu District.
- 3.Two CCs to Public Prosecutor(AP), High Court of Judicature at Hyderabad.
(OUT)
- 4.One CC to Sri Butta Vijaya Bhaskar Advocate(OPUC)
- 5.One spare copy.

TKK



HIGH COURT

DR.SA.J

DT.17-11-2017.

BAIL ORDER



CRL.P.No. 9728 of 2017

**RELEASE THE PETITIONER NO.2
ON BAIL.**

**DRAFTED BY TKK
DT.18-11-2017.**

HIGH COURT

DR.SA.J

DT.17-11-2017.



BAIL ORDER

CRL.P.No. 9728 of 2017

**RELEASE THE PETITIOENR NO.2
ON BAIL.**