

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

WEDNESDAY, THE FIFTEENTH DAY OF NOVEMBER,
TWO THOUSAND AND SEVENTEEN

:PRESENT:

THE HON'BLE DR JUSTICE SHAMEEM AKTHER

CRLP .NO:10839 of 2017

Between:

1. Thamtam Yadagiri, S/o T. Ramulu,
2. Thamtam Mangamma, W/o. Yadagiri,

..... Petitioners/Accused 1 & 2

AND

The State of Telangana Rep. by Public Prosecutor,
High Court of Judicature at Hyderabad.

.....Respondent/Complainant

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the memo of grounds filed herein, the High Court may be pleased to direct the SHO, P.S. Shamirpet to release the petitioner on bail in the event of their arrest in Crime No. 306 of 2017 date 4.8.2017 such terms and conditions.

The petition coming on for hearing, upon perusing the Petition and the memorandam of grounds filed in support thereof and upon hearing the arguments of Sri N Manohar, Advocate for the Petitioners, and of Public Prosecutor (TG) for Respondent, the Court made the following.

ORDER:

This Criminal Petition, under Section 438 of Cr.P.C., is filed by the petitioners/accused Nos.1 and 2, seeking anticipatory bail in the event of their arrest in connection with Crime No.306 of 2017, on the file of the Station House Officer, Shamirpet Police Station, Cyberabad, registered for the offence punishable under Section 306 IPC.

Heard the learned Counsel for the petitioners, learned Additional Public Prosecutor appearing for the respondent- State and perused the record.

At the hearing, it is brought to the notice of this Court by the learned Additional Public Prosecutor that the anticipatory bail application of accused Nos.3 and 4 was dismissed by this Court *vide* Order, dated 21-09-2017, in CrI.P.No.8444 of 2017.

As per the prosecution case, the deceased Ravula Uppalayya is stated to have propagated that the petitioner/accused No.2 is a woman of bad character and she has illegal intimacy with one Omkar; the said Omkar used to visit the house of the petitioner-accused No.2; a panchayat was also held in that connection in the presence of caste elders on 03-08-2017; the petitioner/accused No.2 is stated to have slapped the deceased; the other accused are stated to have abused the deceased; and ultimately, at 4.00 p.m., on that day, the deceased poured kerosene over his body and committed suicide.

As per the First Information Report, the offence was initially registered under Section 174 IPC. Later, it was altered to Section 306 IPC.

As per the record, there were specific and grave utterances by the deceased against the petitioner/accused No.2 on many occasions and at different places in the presence of his friends and others. The petitioner/accused No.2 is a woman and she has to maintain her family, she has a small issue. Therefore, her bail application under Section 438 IPC can be considered.

As far as petitioner/accused No.1 is concerned, his case stands on a different footing, in view of the nature of allegations leveled against him and the investigation conducted so far. Therefore, his bail application under Section 438 IPC is liable to be rejected.

In the result, the petitioner/accused No.2 is directed to surrender before the Station House Officer, Shamirpet Police Station, Cyberabad, within 15 days from the date of this order. On such surrender, the said Station House Officer shall release her on bail, on her executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer. Further, the petitioner/accused No.2 shall abide by the conditions mentioned in Section 438 (2) Cr.P.C. and co-operate with the Investigation Officers.

Accordingly, with the above directions, the Criminal Petition to the extent of the petitioner/accused No.2 is allowed and the Criminal Petition to the extent of petitioner/accused No.1 is dismissed.

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The VIII Addl. Sessions Judge, Ranga Reddy District
2. The II Class Executive Magistrate cum Thasildhar (MRO), Shamirpet Mandal, Medchal District
3. The Station House Officer, Shamirpet Police Station, Cyberabad
4. Two CCs to Public Prosecutor (TG), High Court, Hyderabad (OUT)
5. One CC to Sri N. Manohar, Advocate (OPUC)
6. One spare copy

Skm

HIGH COURT

DR. SA,J

**Drafted by: skm
Drafted on: 16-11-2017**

DATE: 15-11-2017



ORDER

CRL.P. No. 10839 of 2017

DIRECTION