

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

MONDAY, THE FOURTH DAY OF DECEMBER,
TWO THOUSAND AND SEVENTEEN

:PRESENT:

THE HON'BLE DR JUSTICE SHAMEEM AKTHER
CRLP .NO:10438 of 2017

Between:

1. Garikela Pedda Munaiah, S/o. G. Pedda Munaiah,
 2. Garikela Jayamma, W/o. G. Pedda Munaiah,
- Petitioners/Accused Nos. 2 & 3
AND

The State of Andhra Pradesh rep. by Public Prosecutor,
High Court of Judicature at Hyderabad, For the State of Telangana and the
State of Andhra Pradesh

.....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 release the petitioners/Accused No.2 and 3 on bail in the event of their arrest Crime No. 19 of 2017 on the file of Dornipadu Police Station, Kurnool District.

The petition coming on for hearing, upon perusing the Petition and the memorandum of grounds filed in support thereof and upon hearing the arguments of Sri G Tuhin Kumar, Advocate for the Petitioners, and of Public Prosecutor (AP) for Respondent, the Court made the following.

ORDER:

This Criminal Petition, under Section 438 of Cr.P.C., is filed by the petitioners/A.2 and A.3, seeking anticipatory bail in the event of their arrest in connection with F.I.R. No.19 of 2017, on the file of Dornipadu Police Station, Kurnool district, registered for the offences under Sections 498-A, 302 R/w.34 I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

Heard the learned counsel for the petitioners/A.2 and A.3, learned Additional Public Prosecutor appearing for the respondent-State, and perused the record.

Learned counsel for the petitioners would submit that the petitioners are innocent persons and they were falsely implicated in this case and ultimately prayed to allow the Petition.

Learned Additional Public Prosecutor appearing for the respondent-State opposed grant of bail to the petitioners/A.2 and A.3 stating that there is dying declaration of the deceased; wherein, specific overt acts are made against the petitioners herein *i.e.*, they poured kerosene on the deceased and other accused set fire to her.

The contention of learned Additional Public Prosecutor is supported by the material evidence. It is also brought to the notice of this Court that the deceased is the wife of A.1. A.2 and A.3 are the parents and A.4 is the brother of A.1. A.1 and A.4 were already granted regular bail. Learned counsel for the petitioners would submit that the petitioner/A.3 is suffering from breast cancer, aged 60 years, undergoing periodical chemotherapy for her illness from February, 2017; the medical record produced before this Court reveals the same.

Having regard to the health condition of the petitioner/A.3, she can be enlarged on bail on some conditions.

As far as the petitioner/A.2 is concerned, the allegations against him are grave; there is specific mention of his involvement in the alleged offences; the matter requires investigation. Therefore, it is not appropriate to enlarge the petitioner/A.2 on bail under Section 438 Cr.P.C., accordingly his Petition is dismissed.

Under these circumstances, the petitioner/A.3 is directed to surrender before the Station House Officer, Dornipadu Police Station, Kurnool district, within 15 days from the date of receipt of a copy of this order and on such surrender, she shall be released 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. On release, the petitioner/A.3 shall attend before the said Station House Officer on every Sunday between 09:00

a.m. and 10:00 a.m. till filing of charge sheet. Further, the petitioner/A.3 is directed to abide by the conditions mentioned under Section 438(2) Cr.P.C. and shall co-operate with the Investigation Officers.

Accordingly, with the above directions, the Criminal Petition is allowed in part.

In consequence, miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The Judicial Magistrate of First Class, Koilakunta, Kurnool District
2. The Station House Officer, Dornipadu Police Station, Kurnool District.
3. Two CCs to Public Prosecutor (AP), High Court, Hyderabad (OUT)
4. One CC to Sri G. Tuhin Kumar, Advocate (OPUC)
5. One spare copy

Skm



HIGH COURT

DR. SA,J

Drafted by: skm

Drafted on: 05-12-2017

DATE: 4-12-2017



ORDER

CRL.P. No. 10438 of 2017

DIRECTION