

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

TUESDAY, THE TWELFTH DAY OF DECEMBER,
TWO THOUSAND AND SEVENTEEN

:PRESENT:

THE HON'BLE DR JUSTICE SHAMEEM AKTHER

CRLP .NO:11920 of 2017

Between:

G. Damodar Rao, S/o Eswaraiah,

..... Petitioner/Accused

AND

The State of Andhra Pradesh, Through SHO, PS Nandivargam,
Kurnool District,, rep by its Public Prosecutor,
High Court 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 may be pleased to direct the respondent to enlarge the petitioner on bail in the event of his arrest in connection with Cr No. 126/2017 on the file of PS Nandivargam, 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 K Rathanga Pani Reddy, Advocate for the Petitioner, and of Public Prosecutor (AP) for Respondent, the Court made the following.

ORDER:

Heard learned counsel for the petitioner/accused, learned Additional Public Prosecutor for the respondent State and perused the record.

This petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner/accused in Crime No.126 of 2017 of Nandivargam Police Station, Kurnool District, for the offence punishable under Section 306 IPC.

The material on record reveals that the father of the deceased Lakshmi Devi lodged a report to the police on 13.10.2017 alleging that his daughter (wife of the petitioner/accused) died due to the harassment and abetment of the petitioner/accused, she was not keeping good health. The deceased gave dying declaration before the Principal Junior Civil Judge, Nandyal on 08.10.2017 wherein she has categorically

stated that when she was litting stove at her house, she caught fire and suffered burn injuries and no person is responsible for her burn injuries. She also stated that she has two sons.

Further, as per the material on record, the involvement of the petitioner/accused is required to be decided after due trial. When there is no specific accusation in the dying declaration against the petitioner/accused, as the marriage took place 15 years back, and as the petitioner/accused has two sons to take care of, he can be enlarged on bail under Section 438 Cr.P.C.

In the result, the Criminal Petition is allowed directing the petitioner/accused to surrender before the Station House Officer, Nandivargam Police Station, Kurnool District, within 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioner/accused on bail, on his executing a personal bond of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum each to his satisfaction. On such release, the petitioner/accused shall abide by the conditions mentioned in Section 438(2) Cr.P.C. Further, he shall attend before the said Station House Officer on every Saturday and Sunday between 9.00 and 10.00 a.m. till filing charge sheet.

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The Principal Junior Civil Judge, Nandyal. Kurnool District
2. The Station House Officer, Nandivargam Police Station, Kurnool District..
3. Two CCs to Public Prsoecutor (AP), High Court, Hyderabad (OUT)
4. One CC to Sri K. Rathanga Pani Reddy, Advocate (OPUC)
5. One spare copy

Skm

HIGH COURT

DR. SA,J

Drafted by: skm
Drafted on: 14-12-2017

DATE: 12-12-2017



ORDER

CRL.P. No. 11920 of 2017

DIRECTION