

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

THURSDAY, THE FOURTEENTH DAY OF DECEMBER,
TWO THOUSAND AND SEVENTEEN

PRESENT
THE HON'BLE DR JUSTICE SHAMEEM AKTHER

CRL.P.No. 12069 of 2017

Between:

1. Ponkam Sarath Babu, s/o. Late Subbaiah,
2. Smt. Ponkam Suguna, W/o. Sarath Babu

Petitioners/Accused Nos.4 And 5

AND

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

Respondent

COUNSEL FOR THE PETITIONERS: SRI. K. JYOTHI PRASAD

COUNSEL FOR THE RESPONDENT : THE PUBLIC PROSECUTOR (AP)

Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to granting them anticipatory bail by ordering their enlargement in the event of their arrest in connection with FIR No.251 of 2017 of Srikalahasthi I Town Police Station, Tirupathi Urban District on such terms and conditions.

The Court made the following Order:

This Criminal Petition is filed by the petitioners/A.4 and A.5 under Section 438 of Cr.P.C. for grant of anticipatory bail to them in Crime No.251 of 2017 of Srikalahasthi I Town Police Station, registered for the offences punishable under Section 304-B I.P.C. and Sections 3(i)(r), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act read with 34 I.P.C.

2. Heard the learned counsel for the petitioners/A.4 and A.5 and learned Additional Public Prosecutor, and perused the record.

3. The learned counsel for the petitioners would submit that the petitioners are the wife and husband. The petitioner/A.4 is a government employee. The marriage between the deceased Prema Deepika and the accused No.1 is a love marriage. It took place in the year 2014. Thereafter, the deceased and her husband were living separately. These petitioners having nothing to do with the alleged dowry harassment and the death of the deceased. There are bald allegations against these petitioners in the first information report lodged with the police. When these petitioners went to see the dead body of the deceased on 20.11.2017 at the house of the accused No.1, these petitioners are falsely implicated in this case and ultimately prayed to allow the application.

4. The learned Additional Public Prosecutor opposed for grant of bail to the petitioners, contending that these petitioners are responsible for the death of the deceased and these petitioners along with other accused abused the deceased as well as their parents in the name of the caste and ultimately prayed to dismiss the application.

5. The point for determination is – whether the petitioners can be granted bail under Section 438 Cr.P.C.?

6. As per the material placed before this Court, the deceased Prema Deepika married the accused in the year 2014 and their marriage is a love marriage. Thereafter, it is alleged that the accused No.1 harassed the deceased for additional dowry. The *de facto* complainant who is the father of the deceased used to send money now and then, by earning in Bangalore. It is also borne by the record that the accused No.1 developed illegal intimacy with one Supraja and started living with her and left the deceased in the company of his friend and his wife. These petitioners are residing separately from the family of A.1. As per the record, the death took place at M.G. Street, Srikalahasthi, whereas these petitioners/A.4 and A.5 are residing at Gandla Street, Kothapet, Srikalahasthi.

7. The circumstances which lead to the death of the deceased are yet to be established. Further, it cannot be said that these petitioners were in the company of the deceased, harassed her and abused her in the name of caste, so also her parents. The false implication of the petitioners in this case cannot be ruled out. Having regard to the nature of the allegations and circumstances, the petitioners/A.4 and A.5 can be enlarged on bail under Section 438 Cr.P.C.

8. Accordingly, the petitioners/A.4 and A.5 are directed to surrender before the Station House Officer, Srikalahasthi I Town Police Station, Tirupati Urban District, within a period of 15 days from the date of this order. On such surrender, the Station House Officer, Srikalahasthi I Town Police Station, shall release the petitioners/A.4 and A.5 on bail on petitioners/A.4 and A.5 executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties in a like sum each to the satisfaction of the Station House Officer, Srikalahasthi I Town Police Station, Tirupati Urban District. On release, the petitioners/A.4 and A.5 shall abide by the conditions mentioned in Section 438(2) Cr.P.C. and cooperate with the investigating officer. The petitioners/A.4 and A.5 shall also attend before the Station House Officer, Srikalahasthi I Town Police Station, Tirupati Urban District, on every Sunday between 9-00 a.m. and 10-00 a.m. till filing of the charge sheet.

9. Accordingly, this Criminal Petition is allowed. As a sequel, miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed

Sd/- A. Suryaprakash Rao
ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

1. The Additional Junior Civil Judge, Srikalahasthi, Chittoor District.
2. The Station House Officer, Srikalahasthi I Town Police Station, Chittoor District.
3. Two CCs to Public Prosecutor (AP), High Court, Hyderabad (OUT)
4. One CC to Sri. K. Jyothi Prasad, Advocate (OPUC)
5. One Spare copy

KK

HIGH COURT

Dr.SAJ

DT. 14-12-2017

BAIL ORDER

CRL.P.NO. 12069 OF 2017

DIRECTION



Drafted by: KK
Drafted on: 15-12-2017

HIGH COURT



Dr.SAJ

DT. 14-12-2017

BAIL ORDER

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DIRECTION