HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE SIXTEENTH DAY OF APRIL TWO THOUSAND AND NINETEEN

:PRESENT:
THE HON'BLE SRI JUSTICE SANJAY KUMAR

CRIMINAL PETITION NO: 1891 OF 2019

Between:

1. Baddam Raghupathi, S/o. Baddam Anjaiah,
2. Vishal Goud Baddam, S/o. Baddam Raghupathi,

Petitioners/Accused No.2 & 3

AND

The State of Telangana, through SHO, PS, L.B. Nagar (L&O), L.B. Nagar, Rachakonda Commissionerate, Rep. by Public Prosecutor, High Court at Hyderabad.

Respondent

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the petition and the grounds filed herein, the High Court may be pleased to grant anticipatory bail to the petitioner/accused No's. 2 and 3 by directing the SHO P.S. L.B.Nagar L and O. or any arresting officer to enlarge them, on bail in the event of their arrest in connection with FIR No. 352/2019 of P.S. L.B.Nagar L and O;

Counsel for the Petitioners : **SRI K.VENUMADHAV**

Counsel for the Respondent : **PUBLIC PROSECUTOR**

The Court made the following;

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CRIMINAL PETITION No.1891 of 2019

ORDER:

The petitioners are accused Nos.2 and 3 in Crime No.352 of 2019 on the file of the L.B.Nagar Law and Order Police Station, Rachakonda, registered under Sections 498-A and 506 IPC read with Section 34 IPC apart from Section 3(1)(r) & (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The first petitioner-accused No.2 is the father, while the second petitioner-accused No.3 is the brother of accused No.1 in the aforestated crime.

According to the complainant, accused No.1 developed a relationship with her after she separated from her husband, one Shaik Nazeer. She further claimed that she gave birth to two children through accused No.1 and that he failed to marry her officially in the presence of elders. This was the basis for institution of the complaint. No specific overt acts were attributed to either of the petitioners in this case, except for baldly stating that they beat her and necked her out when she went to their house.

Given the aforestated circumstances and as the very applicability of Section 498-A IPC to the case on hand is open to doubt, this Court is of the opinion that sufficient grounds exist to grant anticipatory bail to the petitioners, albeit on conditions. Therefore, in the event the petitioners-accused Nos.2 and 3 in Crime No.352 of 2019 on the file of the L.B.Nagar Law and Order Police Station, Rachakonda, are arrested, they shall be enlarged on bail upon their furnishing personal bonds for a sum of Rs.5,000/- (Rupees Five Thousand only) each along with two sureties for a like sum each to the satisfaction of the Station House Officer, L.B.Nagar Law and Order Police Station, Rachakonda. They shall abide by the conditions prescribed in Section 438(2) Cr.P.C.

The criminal petition is accordingly allowed.

Sd/- B.SATYA VATHI
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The II Metropolitan Magistrate, L.B. Nagar, Ranga Reddy District, Rachakonda.
2. The Station House Officer, PS L.B. Nagar (L & O), Rachakonda.
3. Two CCs to Public Prosecutor, High Court of Telangana, at Hyderabad (OUT)
4. one CC to Sri K.Venumadhav, Advocate (OPUC)
5. one Spare copy

HIGH COURT

SK,J

DATE: 16-04-2019

ORDER

CRL.P. NO. 1891 OF 2019

PETITION ALLOWED