

IN THE HIGH COURT FOR THE STATE OF TELANGANA

TUESDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND NINETEEN

:PRESENT:

THE HON'BLE JUSTICE G SRI DEVI

CRIMINAL PETITION NO: 4033 OF 2019

**Between:**

Kethavath Nilesh Naik, S/o Bikya Naik, Aged about 29 years, Occ: Auto Driver, R/o S-23-13, Thanajinagar, Uppuguda, Hyderabad N/o 4-57, Salkarpet Thanda And Village, Tudukurthi Post, Bijjepally Mandal, Nagarkurnool District

....Petitioner/Accused

AND

The State of Telangana, Rep by its Public Prosecutor, High Court Bldgs, Hyderabad Through P S Rajendranagar

....Respondent/Complainant

Petition under Sections 437 & 439 of Cr.P.C, praying that in the circumstances stated in the affidavit filed in support of the Criminal Petition, the High Court may be pleased to enlarge the petitioner / accused on bail in connection with Crime No 320 of 2019 before P S Rajender Nagar

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of KIRAN PALAKURTHI Advocate for the Petitioner and PUBLIC PROSECUTOR (TG) for Respondent, the Court made the following.

ORDER

HONOURABLE JUSTICE G. SRI DEVI
CRIMINAL PETITION No.4033 of 2019

ORDER:

The petitioner, who is the sole accused, filed the present application under Sections 437 and 439 of Criminal Procedure Code 1973, seeking to grant bail to him in Crime No.320 of 2019 of Rajendranagar Police Station, Cyberabad Commissionerate, which was registered for the offence punishable under Section 307 I.P.C.

2. The allegations in the complaint would go to show that the marriage of the petitioner with the *de facto* complainant was performed three years prior to the date of incident; that after the marriage, the petitioner started harassing the complainant both physically and mentally for additional dowry and unable to bear the same, the complainant lodged a complaint against the petitioner and at that time, she was two months pregnancy; that the petitioner and her in-laws torturing the complainant to compromise the case and withdraw the same. While so, on 11.03.2019, when the complainant was at her parents house, the accused came and requested her to come to house for cooking, for which she went along with the accused and while she was cutting the vegetables, the accused picked up a quarrel with the complainant for not compromising the case registered against him and also threatened to kill her with dire consequences and brought an iron rod and hit on the head and other parts of the body, due to which, she sustained injuries. Hence, the complainant filed the present complaint to take necessary action.

3. Learned counsel for the petitioner/accused No.2 would submit that a false case of foisted against the petitioner when he requested her to withdraw the case; that the petitioner is an auto driver; that the petitioner is arrested and remanded to judicial on 20.06.2019 and since then he is in jail and hence, he prays to grant bail to the petitioner.

4. Looking into the facts and circumstances of the case and taking into consideration the gravity of the offence alleged against the petitioner/accused, I am inclined to grant bail to the petitioner/accused on certain terms and conditions:

- (i) The petitioner/accused shall execute a personal bond for Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum each to the satisfaction XIV Additional Metropolitan Magistrate, Cyberabad at Rajendranagar.
- (ii) The petitioner shall personally appear before the Station House Officer, Rajendranagar Police Station, Cyberabad Commissionerate, on every Saturday between 10.00 A.M., and 6.00 P.M., till filing of the charge sheet.
- (iii) The petitioner/accused shall not indulge in any similar type of offences in future.
- (iv) The petitioner/accused shall not tamper with the prosecution witnesses.
- (v) The petitioner/accused No.2 shall co-operate with the investigating agency.
- (vi) The petitioner/accused shall appear before the Court concerned personally on each date of hearing till conclusion of trial.

5. Accordingly, the Criminal Petition is allowed. Miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

SD/- N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To

1. The XIV Additional Metropolitan Magistrate, Cyberabad at Rajendranagar.
2. The Additional Metropolitan Sessions Judge Cyberabad at L.B.Nagar, Ranga Reddy District
3. The Superintendent, Central Prison, Cherlapally, R.R.District
4. The Station House Officer, Rajendranagar Police Station, Cyberabad
5. One CC to SRI. KIRAN PALAKURTHI Advocate [OPUC]
6. Two CCs PUBLIC PROSECUTOR (TG), High Court at Hyderabad (OUT)
7. One spare copy

HIGH COURT

GSD,J

DATED: 23.07.2019

CRL.P.NO.4033 OF 2019

BAIL

