

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**MONDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND NINETEEN**



**:PRESENT:
THE HON'BLE JUSTICE G SRI DEVI**

CRIMINAL PETITION NO: 5698 OF 2019

Between:

1. Ejjaigiri @ Samudrala Nagarani, W/o Ejjaigiri Karthik
2. Samudrala Sambamurthy, S/o Saralah
3. Samudrala Padma, W/o Sambamurthy

....Petitioners/Accused No.1 to 3

AND

The State of Telangana, rep by its Public Prosecutor through Sangem Police Station of Warangal
Commissionerate, High Court of Judicature of Telangana at Hyderabad

....Respondent/Complainant

Petition under Section 438 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 Petitioners herein/Accused No. 1 to 3 on Bail in the event of their arrest in Crime No. 74 of 2019 before Station House Officer, Sangem Police Station of Warangal Commissionerate in the interest of justice.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SMT.N.KAMALA Advocate for the Petitioners and ADDL.PUBLIC PROSECUTOR (TG) Advocate for the Respondent, the Court made the following.

ORDER

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.5698 of 2019

ORDER :

This Criminal Petition under Section 438 of Cr.P.C. seeking anticipatory bail, is filed by the petitioners, who are Accused Nos.1 to 3, in Crime No.74 of 2019 on the file of the Station House Officer, Sangam Police Station of Warangal Commissionerate, registered for the offence punishable under Section 306 read with 34 IPC.

The case of the prosecution is that, the deceased E.Karthik is husband of Petitioner No.1 and son-in-law of petitioner Nos.2 and 3 and his marriage was performed three years ago, but there were disputes in the family for not having issues and for that reason, the petitioner No.1 used to abuse him as impotent and that he should die. The petitioner No.1 left to her parents' house and also filed complaints against her husband in Women Police Station, and also Sangem Police Station, Warangal. As a result, the deceased suffered mentally and informed the same to his family and friends that the treatment of petitioners towards him is unbearable and he further left his town about nine months prior to committing suicide and was traced out by the police and handed over to the petitioners. Thereafter they lived happily only for a short time and thereafter all the petitioners again harassed him badly for the same reason and unable to bear their harassment any more, he consumed pesticide poison on

29.05.2019 at his house and committed suicide and passed away in MGM Hospital, Warangal on the same day.

Heard learned counsel for the petitioners as well as the learned Additional Public Prosecutor appearing for respondent/State. Perused the material on record.

Learned counsel for the petitioners contend that they were falsely implicated in the case basing on false complaint without any prima facie evidence. The petitioners are innocent and they have not committed any offence as alleged against them. The allegations in the complaint are general in nature and nothing specifically attributed to them to attract the offences alleged against them. The police foisted a false case with mala fide intention to take revenge for wrongful gain. Without attracting the ingredients of Section 107 IPC, the penal offence under Section 306 read with Section 34 of IPC does not attract. The petitioners are permanent residents of different villages of Warangal district and having movable and immovable properties. It is further submitted that the petitioners are ready to abide by any of the conditions imposed by this Court and would cooperate with the investigation, if they are released on anticipatory bail in the event of their arrest in connection with the aforesaid crime.

On the other hand, the learned Additional Public Prosecutor vehemently opposed the relief sought in the above petition.

Taking into consideration the nature of allegations made against the petitioners and also keeping in view the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner No.1/Accused No.1 and the prayer for anticipatory bail to him is rejected.

The allegations against the against the petitioners 2 and 3/A.2 and A.3 that they abused the deceased at the instance of the petitioner No.1 only. Except that there is nothing to show that they abetted the deceased who took extreme step. Thus looking into the allegations, I am inclined to grant anticipatory bail to the petitioners 2 and 3 by imposing some conditions.

In the result, the criminal petition is partly allowed by dismissing the petition against the petitioner No.1/Accused No.1 and by granting anticipatory bail to the petitioners 2 and 3. The petitioner Nos.2 and 3/Accused Nos. 2 and 3 are directed to be released on bail in the event of their arrest in connection with Crime No.74 of 2019 on the file of the Station House Officer, Sangam Police Station of Warangal Commissionerate, on their executing a personal bond for Rs.15,000/- (Rupees fifteen thousand only) each with two local sureties for a like sum each to the satisfaction of the said Station House Officer and subject to the condition that the petitioners/Accused 2 and 3 would cooperate with the investigation Agency and would report before the above Police Station, on every Sunday between 10-00 a.m. and 5-00 p.m.

till completion of investigation and filing of charge sheet, whichever is earlier.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

SD/- N. PURUSHOTHAM REDDY
ASSISTANT REGISTRAR
For ASSISTANT REGISTRAR

To

1. The VIII Additional Sessions Judge (FIC), Warangal
2. The III Additional Judicial First Class Magistrate at Warangal.
3. The Station House Officer, Sangem Police Station of Warangal Commissionerate.
4. One CC to SMT.N.KAMALA Advocate [OPUC]
5. Two CCs PUBLIC PROSECUTOR (TG), High Court at Hyderabad (OUT)
6. One spare copy

HIGH COURT

GSD,J

DATED: 23.09.2019

CRL.P.NO.5698 OF 2019

ANTICIPATORY BAIL

