

[2691]

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND NINETEEN

:PRESENT:
THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER
CRIMINAL PETITION NO: 13932 OF 2018

Between:

Angothu Swathi, W/o. Mohan,

Petitioner/Accused No.1

AND

The State of Telangana, Rep by its Public Prosecutor, High Court of Judicature at
Hyderabad, S.H.O., Halia (Alwal) P.S.

Respondent

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the affidavit filed in support of the CriminalPetition, the High Court may be pleased to enlarge the Petitioner on Anticipatory Bail in the event of his arrest in FIR No. 211 of 2018 on the file of P.S., Halia (Alwal) Nalgonda District, in the interest of Justice.

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

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.1, for grant of anticipatory bail in Crime No.211 of 2018 of Haliya Police Station, Nalgonda District, registered for the offences punishable under Sections 309, 498-A, 302 read with 109 of IPC and Sections 3 and 4 of Dowry Prohibition Act.

2. Heard the learned counsel for the petitioner/A.1, the learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. As per the material placed on record, the petitioner/A.1 has thrown her three children into Nagarjuna Sagar Project Left Canal on 05.10.2018 around 10.30 hours. All her children died. After throwing her children into the canal, she also made an attempt to commit suicide. She was rescued by passersby. Thereafter, she is being prosecuted for the offences punishable under Sections 309, 498-A, 302 read with 109 of IPC and Sections 3 and 4 of Dowry Prohibition Act along with her husband.

4. It is submitted on behalf of the petitioner/A.1 that due to lot of mental and physical torture for additional dowry meted out to the petitioner/A.1 by her husband, who is A.2 in this case, she made the said attempt.

5. In the course of submissions, it is brought to the notice of this Court that the petitioner/A.1 is suffering from Psychosis NOS. A letter dated 02.02.2019 to that effect given by the Station House Officer concerned is filed. It is also brought to the notice of this Court that the petitioner/A.1 is under treatment for her mental ailment. Under these circumstances, she can be granted anticipatory bail under Section 438 Cr.P.C. on some conditions.

6. Accordingly, the petitioner/A.1 is directed to surrender before the Station House Officer, Haliya Police Station, Nalgonda District, within a period of 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioner/A.1 on bail, on her executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties in a like sum each to his satisfaction. On such release, the petitioner/A.1, shall report before the said Station House Officer, on every Wednesday and Sunday between 09:00 A.M. and 11:00 A.M., till filing of the charge sheet. The petitioner/A.1 shall

also abide by the conditions stipulated in Section 438(2) Cr.P.C., and shall cooperate with the investigation officer in investigating the case.

7. The Criminal Petition is accordingly, allowed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.



Sd/- N.PURUSHOTHAM REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Judicial First Class Magistrate at Nidmanoor.
2. VIII Additional Sessions Judge at Miryalguda,
3. Station House officer, P.S. Halia (Alwal) Nalgonda District. TS
4. One CC to SRI. M A K MUKHEED Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR (TG), High Court for the State of Telangana at Hyderabad. [OUT]
6. One Spare Copy

GR

HIGH COURT

DRSAJ

DATED:04/02/2019

ORDER

CRLP.No.13932 of 2018



BAIL