

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
TUESDAY, THE TWENTY SECOND DAY OF JUNE TWO THOUSAND AND
TWENTY ONE

:PRESENT:

THE HONOURABLE JUSTICE G SRI DEVI

CRIMINAL PETITION NO: 4411 OF 2021

Between:

Durgam Laxmi, W/o. Tirupathi

Petitioner/Accused No.2

AND

The State of Telangana,, Rep. by its Public Prosecutor, High Court at Hyderabad.

Respondent/Complainant

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the Criminal Petition, the High Court may be pleased to direct the S.H.O., Basanthnagar Police Station, Peddapalli District to enlarge / release the petitioner (Accused No.2) on bail in the event of his arrest in connection with Crime No. 85 of 2021.

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of Sri K V SUBBA REDDY, Advocate for the Petitioner, Asst. PUBLIC PROSECUTOR for the Respondent, the Court made the following.

ORDER:

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.4411 of 2021

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/Accused No.2 seeking to grant anticipatory bail in the event of her arrest in connection with Crime No.85 of 2021 of Basanthnagar Police Station, Peddapalli District, which was registered for the offence punishable under Section 307 read with 34 I.P.C.

2. Heard learned counsel appearing for the petitioner, learned Assistant Public Prosecutor appearing for the respondent-State and perused the record.

3. Learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case; that the complainant admitted that there are some civil disputes between herself and the petitioner and in order to convert the civil dispute into the criminal dispute, the complainant lodged the present complainant in order to harass the petitioner and her family members; that the petitioner neither abused nor beaten the complainant's husband nor her son and the petitioner herein has been falsely implicated in this case; that complainant's husband has been discharged from the hospital; that the complainant threatened the petitioner earlier with dire consequences and basing on that this false case has been registered against the petitioner and ultimately, prayed this Court to grant bail to the petitioner.

4. Learned Assistant Public Prosecutor opposed to grant anticipatory bail to the petitioner.

5. As seen from the Remand Report of Accused No.1, the only allegation against the present petitioner is that the petitioner is wife of accused No.1. Since long time, some disputes have crept among the complainant and the present accused regarding 'the way' to their respective houses. On the date of the occurrence, the present petitioner abused L.W.4, who is father of L.W.2, and A.1 in filthy language, by keeping the old issues in her mind. On noticing the same, L.W.2 has asked the petitioner with regard to the reason for abusing his father. Except this allegation, there is no other overt act whatsoever has been attributed against the present petitioner.

6. Thus looking into the nature of allegations levelled against the petitioner/Accused No.2 and having regard to the other facts and circumstances of the case, without advertising into the merits of the case, I am inclined to grant anticipatory bail to the petitioner/Accused No.2.

7. Accordingly, the Criminal Petition is allowed and the petitioner/accused No.2 is granted anticipatory bail subject to the following terms and conditions:

- (1) The petitioner/accused No.2 is directed to surrender before the Station House Officer, Basanthnagar Police Station, Peddapalli District, within a period of four (04) weeks from the date of this order and on such surrender, the said Station House Officer shall release the petitioner on bail on her executing a personal bond to the tune of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer.

(2) The petitioner/accused No.2 shall abide by the other conditions stipulated in Section 438(2) Cr.P.C and co-operate with the Investigating Officer in investigating the case.

//TRUE COPY//

SD/- V.SUDHA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Judicial Magistrate of First Class at Peddapalli.
2. The Station House Officer, Basanthnagar P.S., Peddapalli District.
3. One CC to SRI K V SUBBA REDDY Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court at Hyderabad. (OUT)
5. One spare copy

mvj

HIGH COURT

GSD,J

DATED:22/06/2021

ORDER



CRLP.No.4411 of 2021

BAIL