

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
WEDNESDAY, THE FOURTEENTH DAY OF JULY TWO THOUSAND AND
TWENTY ONE

:PRESENT:

THE HONOURABLE JUSTICE G SRI DEVI

CRIMINAL PETITION NO: 5131 OF 2021

Between:

Smt Nagamma, W/o. Thimmappa.

Petitioner/Accused No.2

AND

The State of Telangana, Represented by its Public Prosecutor (through SHO Kalur
Thimmanadoddi, Jogulamba-Gadwal Dist), Highcourt Buildings, 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 enlarge the petitioner on bail in
the event of her arrest in Crime No. 231/2020, dated 3/12/2020 on the file of Kalur
Thimmanadoddi (KT Doddy) Police station.

The petition coming on for hearing, upon perusing the Petition and the grounds
filed in support thereof and upon hearing the arguments of M/s ANDE VISHALA,
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.5131 of 2021

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A2 seeking to grant anticipatory bail in the event of her arrest in Cr.No.231 of 2020 on the file of Kalur Thimmandoddi Police Station, Jogulamba Gadwal District, registered for the offences punishable under Sections 498-A, 306 read with Section 34 IPC.

2. Heard learned counsel for the petitioner/A2, learned Assistant Public Prosecutor appearing for the respondent-State and perused the record.

3. The prosecution case is that petitioner/A2 is first wife of A1 and the deceased Mahadevi @ Madhavi is second wife of A1 and that A1 and A2 used to harass the deceased mentally and physically and suspected her fidelity, due to which, she committed suicide by consuming pesticide poison.

4. Learned counsel for the petitioner/A2 would submit that the petitioner is innocent of alleged offences and she has been falsely implicated in the said case. She would further submit that neither the deceased nor the de-facto complainant made any complaint against the petitioner during past 8 years of their marriage. She would further submit that the petitioner has to look after the welfare of her 8 months female child and also her old aged in-laws. She would also submit that petitioner is not involved in any other crime prior to this occurrence and she is a law abiding citizen and ready to abide by any condition that may be imposed by this Court in the event of her enlargement on anticipatory bail.

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

6. A perusal of the entire material papers available on record, the only allegation against the petitioner/A2 is that she along with A1 used to harass the deceased mentally and physically, but for what purpose petitioner harassed the deceased is not mentioned, except bald allegations. There is nothing on record against the petitioner that either she has instigated or abetted the deceased to commit suicide. Thus, looking into the nature of allegations leveled against the petitioner/A2 and also in view of peculiar conditions of pandemic COVID-19 prevailing in the country, without delving into the merits of the matter, I am inclined to grant anticipatory bail to the petitioner/A2.

7. The Criminal Petition is accordingly allowed and the petitioner/A2 is granted anticipatory bail subject to the following terms and conditions:

- (i) The petitioner/A2 is directed to surrender before the Station House Officer, Kalur Thimmandoddi Police Station, Jogulamba Gadwal District, within a period of 15 days from the date of this order, and on such surrender, the said Station House Officer shall release the petitioner/A2 on bail on her executing a personal bond to the tune of Rs.30,000/- (Rupees thirty thousand only) with two sureties for the like sum each to his satisfaction.
- (ii) On such release, the petitioner/A2 shall appear before the Investigating Officer on 1st Sunday of every month between 10.00 AM and 2.00 PM., till completion of investigation or filing of the charge sheet, whichever is earlier.
- (iii) The petitioner/A2 shall abide by the conditions stipulated under Section 438(2) Cr.P.C., and cooperate with the Investigating Officer in investigating the case.

8. Miscellaneous applications, if any pending in this criminal petition, shall stand closed

//TRUE COPY//

SD/- R. KARTHIKEYAN
ASSISTANT REGISTRAR

SECTION OFFICER

V A.K.

To,

1. The III Addl. District & Sessions Judge at Gadwal, Mahabubnagar District, Telangana State.
2. The Addl. Judicial First Class Magistrate at Gadwal.
3. The Station House Officer, Kalur Thimmanadoddi, Jogulamba-Gadwal District.
4. One CC to M/s ANDE VISHALA Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR, High Court at Hyderabad. (OUT)
6. One spare copy

mvj

HIGH COURT

GSD,J



DATED:14/07/2021

ORDER

CRLP.No.5131 of 2021



BAIL