

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 9444 of 2021

O R D E R:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused in Crime No. 1288 of 2021 on the file of Gachibowli Police Station, registered for the offences punishable under Sections 498-A and 306 IPC., seeking bail.

2. Case of the prosecution is that on 02.12.2021, at about 18.00 hours, police received a Telugu written report from Sri Ryapan Bheemaiah, wherein it is stated that in 2015, his sister viz. Malathi was given in marriage to petitioner and after few days, petitioner started harassing her both physically and mentally and also beat her in drunken condition. While so, on 01.12.2021, at about 16.00 hours, one Narsimha called him and told that his sister Malathi committed suicide by hanging in her residence. Immediately, he rushed to his sister's house and found her dead.

3. Learned counsel for petitioner Sri R. Nagarjuna Reddy submits that petitioner was arrested and remanded to judicial custody on 04.12.2021. He submits that in the entire complaint, except stating that sister of the complainant used to inform that petitioner used to come home by consuming alcohol and harass her mentally and physically, nothing more has been stated. He also submits that all the allegations made against petitioner are omnibus and bald allegations. It is submitted that neither complainant nor any witness has stated about

petitioner instigating deceased to commit suicide. Learned counsel submits that out of wedlock, petitioner and deceased were blessed with a child and at present, he is staying with parents of petitioner. He submits that as petitioner has to take care of his son, his case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that as per the compliant, petitioner used to consume alcohol and beat his deceased - wife, and unable to bear the harassment, she committed suicide. He submits that as petitioner was remanded to judicial custody on 04.12.2021 and as investigation is still in progress, at this stage, he is not entitled for grant of bail.

5. Taking into consideration the fact that petitioner has to take care of his son, as the child has already lost his mother, this Court deems it appropriate to grant bail to him.

6. The Criminal Petition is therefore, allowed. Petitioner – Accused shall be enlarged on bail in connection with Crime No. 1288 of 2021 on the file of P.S. Gachihowli on his executing a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of XII Additional Metropolitan Magistrate at Kukatpally.

LALITHA KANNEGANTI, J

20th December 2021

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