

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.350 of 2022

O R D E R:

This Criminal Petition under Section 438 Cr.P.C. is filed by petitioner – Accused No.1 seeking pre-arrest bail in connection with Crime No.487 of 2021 of Peddapalli Police Station, registered for the offences punishable under Sections 306 r/w 34 of the Indian Penal Code, 1860 (for short “IPC”).

2. A report was lodged by mother of deceased on 07.12.2021 stating that her son got married with petitioner. After the marriage, petitioner developed illicit intimacy with Takur Mothi Singh (A-2). One day when deceased came home, he found the petitioner is in close company of A-2, as such he was mentally disturbed. Thereafter petitioner deserted the deceased and went to her parents' house. On 05.12.2021 when deceased went to house of petitioner to bring her back, she abused him and A-2 also abused him in filthy language. Having vexed with his life, the deceased committed suicide by consuming pesticide on 06.12.2021 at 1830 hours. Basing on the said report, the present crime was registered.

3. Heard Sri Kondadi Ajay Kumar, learned counsel for petitioner and learned Assistant Public Prosecutor appearing on behalf of respondent-State.

4. Learned counsel for petitioner submits that petitioner who is none other than wife of deceased is alleged to have been committed the offences under Sections 306 r/w 34 of IPC. He submits that in the complaint it is stated that petitioner is having illicit intimacy

with one Mothi Singh, who threatened and humiliated the deceased, as such he committed suicide. He submits that even if the allegations in the complaint are taken on its face value, they do not attract the ingredients of Section 306 of IPC. He submits that the petitioner never abetted the deceased to commit suicide. Hence, his case may be considered for grant of pre-arrest bail.

5. *Per contra*, learned Assistant Public Prosecutor submits that there are clear allegations against the petitioner with regard to abetment and as the investigation is pending, petitioner is not entitled for pre-arrest bail.

6. Taking into consideration the fact that there is strained marital relationship between the petitioner and deceased, *prima facie* it appears that there is no abetment or instigation on the part of petitioner. Hence, this Court deems it appropriate to grant pre-arrest bail to the petitioner.

7. In the result, criminal petition is allowed and the petitioner / A-1 shall be enlarged on bail in the event of her arrest in connection with Crime No.487 of 2021 of Peddapalli Police Station on her executing a bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties each for a like sum to the satisfaction of Station House Officer, Peddapalli Police Station.

LALITHA KANNEGANTI, J

19th January, 2022

PVD

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.350 of 2022

19.01.2022

PVD