

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 780 OF 2022

O R D E R:

This Criminal Petition under Section 438 Cr.P.C. is filed by the petitioners – Accused Nos. 2 to 9 seeking bail in the event of their arrest in connection with Crime No. 442 of 2021 on the file of Dharmपुरi Police Station registered for the offences punishable under Sections 302, 201, 304-B read with Section 149 IPC.

2. The case of the prosecution is that on 16.12.2021, at about 01.00 p.m., fishermen informed the de facto complainant that one female dead body was found in Godavari River and on knowing the same, the de facto complainant along with Sarpanch of Burugupally went there and removed the dead body and it appears to be aged 23 to 25 years with height of 4 feet.

3. Learned counsel for the petitioner Sri K. Venumndhav submits that even as per the remand report, entire allegations are against Accused No.1. It is stated that on 14.12.2021, the deceased observed that when Accused was talking to Pinky over phone, both of them quarrelled on that issue and when Accused No.1 beat the deceased, she went into the bed room to sleep. It is also stated that on 15.12.2021, at 4.30 hours, while the deceased was sleeping, Accused No.1 wrapped tightly around the neck with a half sari and killed her. After that he woke up his parents and workers who slept in

front room / hall room and told them about the murder of his wife committed by him. It is further stated that Accused No.1 wanted the others to believe that the deceased committed suicide and died and in that connection, Accused No.1 with the help of his worker - Accused No.10, dumped the dead body in his panipoori vehicle fitted with cycle motor, rushed to Godavari river and threw the dead body into the said river. Learned counsel submits that Accused Nos. 2 to 9 are none other than father, mother, married sisters and their husbands who have nothing to do with these incidents. He further submits that even in the entire remand report, nowhere the names of the petitioners were mentioned, however, being the members of the same family, all of them were implicated in this case and they are unconnected with the alleged offence. It is stated that petitioners are ready to cooperate with the investigation, hence, their case may be considered for grant of pre-arrest bail.

4. On the other hand, learned Assistant Public Prosecutor submits that a married woman, within seven years from the date of her marriage, lost her life and there is harassment for additional dowry from the family members. He submits that as the investigation is pending and in view of the allegations in the report, the petitioners are not entitled for pre-arrest bail.

5. Taking into consideration the allegations in the remand report wherein it is stated that Accused No.1 confessed that he committed murder of the deceased and after that

incident, informed the same to his parents and workers and to give a picture that the deceased committed suicide, he took the dead body with the help of Accused No. 10 – worker to the river Godavari and threw the dead body into it. As far as other accused – petitioners are concerned, there appears to be no allegations against them. In that view of the matter, this Court deems it appropriate to grant pre-arrest bail to the petitioners.

6. Accordingly, this Criminal Petition is allowed. Petitioners – Accused Nos. 2 to 9 shall surrender before the Station House Officer, Dharmapuri Police Station in connection with Crime No. 442 of 2021 within one week from today and on such surrender and on each of them executing a personal bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer, they shall be released on bail. It is made clear that no further extension of time will be granted. The petitioners shall cooperate with the investigation and they shall appear before the police once in a week i.e. on every Saturday between 10.00 a.m. and 01.00 p.m. for a period of two months.

LALITHA KANNEGANTI, J

04th February 2022

ksld

