

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.841 of 2022

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioners – Accused Nos.3 and 4 in Cr.No.2 of 2022 on the file of Paloncha Town Police Station, Bhadrachali-Kothagudem District, registered for the offences punishable under Sections 302, 307 and 306 IPC, seeking bail.

2. The case of prosecution is that the de-facto complainant lodged a complaint stating that they solemnized the marriage of his younger sister with one Naga Rama Krishna about 14 years back and they blessed with twins of female children. Due to over debts, his brother-in-law has sold his Mee-Seva centre and came to their village about 4 months back. On 03.01.2022 at 5.15 am, the relative of de-facto complainant informed him that his sister, brother-in-law and his niece were died with burns and his elder niece Sai Sahitya was shifted to Government Hospital, Kothagudem for treatment, and when he went to the hospital, his niece informed that they went to bed after having dinner, early morning she woke up as she is feeling wet and found that his father poured petrol on them, set on fire and as she was burning, out of fear, she came out rear door and fell down, later she was shifted to the hospital for treatment. It is stated that they found a suicide notice stick on widow wall stating that the accused are responsible for their death.

3. Mr. Posani Venkateswarlu, learned counsel appearing on behalf of Mr. K. Laxmaiah, learned counsel for the petitioners, submits that deceased No.1 is none other than the son of A3 and brother of A4 and the only allegation against them is that there were property disputes between deceased No.1 and A3 and A4 and A4 is having illicit intimacy

with A2 and at their behest, A2 tried to settle the dispute. Learned counsel submits that by any stretch of imagination even if all the allegations are taken on its face value, Section 302 IPC is not at all attracted as far as these petitioners are concerned. He submits that the 1st petitioner/A3 is aged about 62 years and suffering with old age problems and the 2nd petitioner/A3 has lost her husband about 4 months back and she has two children, among them one son is suffering with mental illness and she has to take care of him. He submits that the petitioners were arrested on 10.01.2022 and ever since, they are languishing in jail and further, the petitioners are residents of Andhra Pradesh and the incident has taken place at Old Paloncha on 02.01.2022 and as such, there cannot be any apprehension that if the petitioners are enlarged on bail, they may influence the witnesses or tamper with the prosecution evidence, and hence, their case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that in the suicide note and in the video recorded by deceased No.1, he has categorically stated that the petitioners herein along with A2 were responsible for their death and in view of the intimacy of A4 with A2 and at her behest, A2 has pressurized deceased No.1's family to settle the dispute and in fact, A2 has asked deceased No.1 to send his wife for sexual favour or else he will see their end. He submits that in view of these allegations and as the investigation is pending, the petitioners are not entitled for bail.

5. Taking into consideration the fact that the petitioners were arrested on 10.01.2022 i.e., from the last 32 days, they are languishing in jail and both the petitioners are ladies and also taking into consideration the age of the 1st petitioner/A3 and the 2nd petitioner/A4 has lost her husband and

her son is suffering with mental illness and she has to take care her son, this Court deems it appropriate to grant bail to the petitioners on certain conditions.

6. The Criminal Petition is therefore, allowed. Petitioners – Accused Nos.2 and 3 shall be enlarged on bail in connection with Cr.No.2 of 2022 on the file of Paloncha Town Police Station, Bhadradri-Kothagudem District, on their executing a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) each with two sureties for a like sum each to the satisfaction of the II Additional Judicial First Class Magistrate at Kothagudem, Bhadradri-Kothagudem District. Petitioners shall cooperate with the investigation and they shall not threaten or influence the witnesses. Petitioners shall appear before the Station House Officer, Paloncha Town Police Station, twice in a month i.e., on 1st and 15th of every month between 10.00 am and 1.00 pm till filing of the charge sheet.

LALITHA KANNEGANTI, J

11th February, 2022

sj

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.841 of 2022

Date:11-02-2022

sj