

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.2228 of 2022

ORDER:

The Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused No.2 seeking to grant anticipatory bail in the event of her arrest in connection with Crime No.29 of 2022 on the file of Karimnagar-I Town Police Station, Karimnagar District, registered for the offence under Section 306 of IPC.

2. Heard learned counsel appearing for the petitioner/accused No.2 and learned Assistant Public Prosecutor appearing for the respondent-State. Perused the record.

3. Brief facts of the case are that A1 is the elder brother and A2 is the elder sister of the deceased-Thipparapu Srinivas. They have jointly constructed a double floor building after purchasing land in an area of 2 ½ guntas 15 years back at Godamgadda and the deceased

was residing in the ground floor of the said building since 10 years. A1 picked up quarrel 4 years back saying the deceased to vacate the house as the deceased has no share in the entire house. About three years back, the deceased had given an amount of Rs.3,00,000/- to A1 and the petitioner/A2 for purchase of some land at Alugunoor Village. But A1 and petitioner/A2 having colluded with each other got registered the land in their names. A1 and petitioner/A2 neither registered the land in the name of the deceased nor returned the said amount of Rs.3,00,000/-. For the said reason, there was enmity between the siblings. One week prior to the death, the deceased approached A1 and petitioner/A2, who denied to give any share in the building and at Alugunoor land and abused the deceased. Got frustrated with the attitude of A1 and petitioner/A2, the deceased committed suicide by consuming pesticide on 19.01.2022 at 17:00 hours in his welding shop and while undergoing treatment, the deceased died on 20.01.2022 at 2.30 A.M.

4. Learned counsel for the petitioner/A2 argued that A1 filed a private complaint against the deceased on 30.07.2021, for cheating, which was registered as Crime No.208 of 2021 on the file of Karimnagar Police Station, Karimnagar District, for the offences punishable under Sections 406, 420, 467 and 468 of IPC and after completing the investigation, charge sheet was also filed, which is numbered as C.C.No.15 of 2022, on the file of Additional Judicial Magistrate of First Class, Karimnagar.

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

6. As seen from the facts of the case, civil disputes were pending between the siblings A1, petitioner/A2 and the deceased since 15 years. There is no specific averment against the petitioner/A2 apart from saying that A1 and petitioner/A2 refused to give back an amount of Rs.3,00,000/- or share in the property. A1 was granted regular bail by this Court.

7. In the said circumstances, as there are no specific overt acts attributed to the petitioner/A2, the relief of anticipatory bail can be granted to the petitioner/A2.

8. Accordingly, the Criminal Petition is allowed and the petitioner/accused is granted anticipatory bail subject to the following terms and conditions:

- (i) The petitioner/accused No.2 is directed to surrender before the Station House Officer, Karimnagar-I Town Police Station, Karimnagar District, within a period of 15 days from today, and on such surrender, the said Station House Officer shall release the petitioner/accused No.2 on bail on her executing a personal bond to the tune of Rs.50,000/- (Rupees fifty thousand only) with two sureties for a like sum each to his satisfaction.
- (ii) On such release, the petitioner/accused No.2 shall appear before the Investigating Officer as and when required for the purpose of investigation.

- (iii) The petitioner/accused No.2 shall comply with the conditions as laid down under Section 438 (2) of Cr.P.C.

9. Miscellaneous petitions pending, if any, in this criminal petition, shall stand closed.

K.SURENDER, J

Date: 28.03.2022

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