

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.4781 OF 2022****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking bail to the petitioner who is arrayed as Accused in the event of his arrest in Crime No.98 of 2022 on the file of Station House Officer, Shahabad Police Station, Cyberabad, registered for the offence punishable under Section 306 of Indian Penal Code and Section 3(2)(v) of SC/ST POA Act.

2. Heard learned counsel for petitioner/Accused and learned Assistant Public Prosecutor for respondent-State. Learned Public Prosecutor submits that notice is served on the 2nd respondent/*de facto* complainant. Perused the record.

3. The facts of the case are that, the petitioner was taking up private works and during which time the deceased namely Navanitha fell in love with this petitioner. However, the petitioner refused to marry the deceased for which reason a complaint was lodged with P.S.Shahabad. In the said complaint, the petitioner was sent to jail. After release from jail, again he was asked to marry the deceased.

However, on refusal to marry, the deceased consumed Vasmol-33 hair oil and she was shifted to the hospital and three days thereafter while undergoing treatment she died on 14.04.2022.

4. On the basis of the complaint filed by the cousin brother of the deceased, the present complaint was registered on the same day i.e. on 14.04.2022.

5. As seen from the complaint, there was misunderstanding regarding marriage earlier, for which reason, the petitioner was already sent to jail. After coming back from the jail, *prima facie*, there was no change in the stand of this petitioner, as such, it cannot be said that there is any abetment by this petitioner, after release from jail. In the said circumstances, the petitioner can be granted the relief of Anticipatory bail.

6. Accordingly, the Criminal Petition is allowed and the petitioner/Accused shall be enlarged on bail in the event of his arrest subject to the following conditions:

i) The petitioner/Accused is directed to surrender before the Station House Officer, Shahabad Police Station, Cyberabad within one week from today, and on such surrender, he shall be enlarged on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties to the like sum each, to its satisfaction.

ii) The petitioner/Accused shall appear before the concerned Station House Officer on every Monday between 10.30 AM and 01.00 PM for a period of three (03) months.

iii) The petitioner/Accused shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

7. As a sequel thereto, miscellaneous applications, if any pending, shall stand closed.

Date: 21.06.2022
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K.SURENDER, J