

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.5621 OF 2022****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking bail to the petitioner who are arrayed as Accused Nos.3 and 4 in the event of their arrest in Crime No.92 of 2022 on the file of Station House Officer, Telkapally Police Station, Nagarkurnool District, registered for the offences punishable under Sections 306, 425, 323, 504 and 506 read with Section 34 of Indian Penal Code.

2. Heard learned counsel for petitioners/Accused Nos.3 and 4 and learned Assistant Public Prosecutor for respondent-State. Perused the record.

3. The case of the prosecution is that the deceased was forcibly administered poison for which reason the First Information Report was registered for the offence under Section 302 read with Section 34 of IPC against Accused Nos.1 to 6. The petitioners herein who are Accused Nos.3 and 4 are the wives of Accused Nos.1 and 2 respectively.

4. Learned counsel for the petitioners would submit that the investigating officer is in a dilemma whether the death of the deceased occurred due to suicide or whether it is a murder and on the basis of a confession of the arrested Accused Nos.1 and 2 which is inadmissible, these petitioners are sought to be arrested in the alleged suicide of the deceased.

5. Keeping in view that these petitioners are women and no specific overtacts are attributed against them and as per the remand report of Accused Nos.1 and 2 the role attributed to these petitioners is the outcome of confession of Accused Nos.1 and 2.

6. In the said circumstances, the petitioners/Accused Nos.3 and 4 can be granted the relief of anticipatory bail.

7. Accordingly, the Criminal Petition is allowed and the petitioners/Accused Nos.3 and 4 shall be enlarged on bail in the event of their arrest subject to the following conditions:

i) The petitioners/Accused Nos.3 and 4 are directed to surrender before the Station House Officer, Telkapally Police Station within one week from today, and on such surrender, they shall be enlarged on bail on their executing a personal bond for a sum of Rs.10,000/-

(Rupees Ten Thousand Only) each with two sureties to the like sum each, to its satisfaction.

ii) The petitioners/Accused Nos.3 and 4 shall appear before the investigating officer as and when required for the purpose of investigation.

iii) The petitioners/Accused No.3 and 4 shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

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

Date: 06.07.2022
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K.SURENDER, J