

HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE No: CrI.A.No.722 of 2019

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
15.	22-12-2022	<u>AAR, J & ASR, J</u> <u>I.A.No.1 of 2022</u> The present application is filed by the petitioner/appellant/A.1 seeking to enlarge him on bail pending disposal of the appeal, by suspending the sentence of imprisonment imposed against him <i>vide</i> judgment dated 29.08.2019, passed in S.C.No.336 of 2015, by the learned V Additional Sessions Judge, II-FTC, Warangal at Jangaon. Learned counsel appearing on behalf of the petitioner/appellant has stated that on the sole ground that the death of the deceased has occurred within seven years of the marriage of the petitioner/appellant with the deceased, the trial Court has convicted the petitioner/appellant for the offences under Sections 498-A and 304 B of Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act. It is further stated that there is no independent and cogent evidence to substantiate the case of the	

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		prosecution that the petitioner/appellant has harassed the deceased for dowry at any point of time. That the conviction and sentence imposed on the petitioner/appellant is purely based on circumstantial evidence, as there are no direct eyewitnesses to the said crime. It is further stated that no independent witness has been examined to show that any Panchayat was held with regard to the demand of dowry made by the petitioner/appellant at any point of time. Furthermore, P.Ws.1 to 3 are interested witnesses. But, the trial Court, instead of discarding their evidence, has laid much emphasis on their evidence contrary to the well established principles of law. As the matter of fact, P.W.1 and P.W.2 did not even attend the funeral rites of the deceased. Learned counsel has further stated that the trial Court, based on surmises and conjectures, has convicted the petitioner/ appellant, and therefore, prayed to enlarge the petitioner/appellant on bail. On the other hand, the learned Public Prosecutor has vehemently opposed the grant of bail to the petitioner/appellant. The learned Public Prosecutor has stated that the trial Court,	

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		duly taking into consideration the evidence on record, has convicted the petitioner/appellant. It is further stated that the evidence of P.Ws.1 to 3 and 11 shows that the petitioner/appellant has made demands for dowry and forcibly taken the deceased from the house of P.Ws.3 and 11 on the date of incident. Therefore, the learned Public Prosecutor has prayed to dismiss the present application. Without going into the merits or demerits of the case, substantive sentence of imprisonment imposed against the petitioner/appellant is alone suspended and the petitioner/appellant is directed to be released on bail, pending disposal of the appeal, subject to the following conditions: 1. The petitioner/appellant shall execute a personal bond for a sum of Rs.30,000/- (Rupees Thirty Thousands only) with two sureties for a like sum each to the satisfaction of the learned V Additional Sessions Judge, II-FTC, Warangal at Jangaon. 2. The petitioner/appellant shall furnish his residential address to the Police Station concerned immediately after his release.	

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		3. The petitioner/appellant must be present before the Court at the time of hearing of the Criminal Appeal; and 4. The petitioner/appellant shall maintain peace and tranquillity during the pendency of the Appeal. This application is allowed accordingly. <u>I.A.No.2 of 2019</u> The learned counsel for the petitioner/appellant does not wish to press the present I.A. The I.A. is accordingly dismissed as not pressed. <u>CrI.A.No.722 of 2019</u> Registry is directed to post this matter for 'Final Hearing' as per the seriatim. AAR, J ASR,J <i>nsp/va</i>	