

HIGH COURT FOR THE STATE OF TELANGANA, HYDERABAD

MAIN CASE No.: **Crl.A. No.360 of 2022**

PROCEEDING SHEET

Sl. No	DATE	ORDER	OFFICE NOTE
	21.10.2022	<u>Dr.GRR, J</u> <u>Crl.A. No.360 of 2022</u> Admit. Call for records from the court below. Registry is directed to prepare the paper book. Post on 18.01.2023. <u>I.A. No.3 of 2022</u> This application is filed by the petitioner-appellant to suspend the sentence of imprisonment imposed against him vide judgment dated 11.07.2022 in SC No.127 of 2018 on the file of Principal Sessions Judge, Khammam and to enlarge him on bail. This is the third bail application filed by the petitioner before this court. Heard learned counsel for the petitioner and the learned Assistant Public Prosecutor. The learned counsel for the petitioner submitted that the complainant was admittedly a coolie and his financial position was very weak and he was not in a position to pay dowry. Usually in Muslim community if any dowry or gifts were given, the same would be specifically mentioned in the Nikah Nama, but no documentary evidence was filed to prove that dowry was given. The trial court failed	

		to appreciate the said fact. There were contradictory statements in the evidence of the witnesses. PW.1 stated that the deceased was killed by A2 by smothering by pillow but the evidence of the doctor would indicate that she died due to consuming poison. The appellant-A2 with his meager financial capacity spent huge money towards nose surgery of the deceased one year prior to her death. The deceased was suffering with various health issues and due to depression, she committed suicide. Most of the witnesses turned hostile. The petitioner and the deceased had a daughter, aged about 9 years. The petitioner was only taking care of her after the death of the deceased. The petitioner was on bail during trial and was taking care of his daughter's education. The parents of the petitioner were aged persons and were unable to take care of the welfare of the daughter of the petitioner who was pursuing her 5th standard. There was no one to take proper care of the minor child and prayed to suspend the sentence imposed against the petitioner. The learned Assistant Public Prosecutor submitted that the earlier two bail applications filed by the petitioner were also dismissed by this court and there were no merits in the present application and prayed to dismiss the application. Perused the record. Considering the fact that the petitioner-appellant-accused was on bail during the trial and considering the submissions of the learned counsel for the petitioner that there were good	
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		grounds to succeed in the appeal due to the points raised by him above and that there was delay in lodging the complaint and that the petitioner was the sole person to maintain the family and to take care of the minor child, it is considered fit to suspend the execution of sentence imposed against the petitioner and to enlarge him on bail. Accordingly, the application is allowed suspending the execution of sentence of imprisonment alone imposed against the petitioner and the petitioner-appellant-accused is directed to be released on bail on his executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for the like sum each to the satisfaction of the Principal Sessions Judge, Khammam. Dr.GRR, J CTL	
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