

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NOS.8898 OF 2022, 8894 OF 2022
AND 8895 OF 2022****COMMON ORDER:**

These three Criminal Petitions are filed under Section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail to the petitioners who are arrayed as Accused Nos.2 to 4 in the event of their arrest in Crime No.828 of 2022 on the file of Station House Officer, Uppal Police Station, Rachakonda, registered for the offences punishable under Sections 302 and 498-A read with Section 109 of Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act.

2. Since the petitioners are Accused Nos.2 to 4 in the same Crime i.e. Crime No.828 of 2022, all the three criminal petitions are heard together and disposed off by this common order.

3. Heard learned counsel for the petitioners and learned Assistant Public Prosecutor for the respondent-State. Perused the record.

4. The case of the prosecution is that Accused No.1 who was arrested on 21.08.2022 and remanded to judicial custody on the next day is the husband of the deceased. The Accused No.1 and the deceased were married ten years prior to her death and they had two children who are aged about 10 years and 9 years. At the time of marriage dowry was given by the parents of the deceased. Two years after the marriage, there were differences with these petitioners who are the family members of Accused No.1 and the said differences between Accused No.1 and the deceased resulted in complaining to the police many a times. The complaint also narrates that there were several instances which were complained to the police and the police also counseled them. The deceased thereafter started living separately with Accused No.1 which was the result of conciliation.

5. Admittedly, the petitioners are living separately and except stating that these petitioners had abetted the alleged acts of cruelty by Accused No.1, there are no other specific allegations against these petitioners.

6. Keeping in view the background of the case, there being several complaints for the reason of suspicion of Accused No.1 that the deceased was having affair with someone else and since these petitioners were not present at the scene when the incident took place and due to several incidents which transpired over a period of ten years and the only allegation being one of the abetment, these petitioners can be granted the relief of anticipatory bail.

7. Accordingly, all the three criminal petitions are allowed and the petitioners/Accused Nos.2 to 4 shall be enlarged on bail in the event of their arrest, subject to the following conditions:

i) The petitioners/Accused Nos.2 to 4 are directed to surrender before the Station House Officer, Uppal Police Station, Rachakonda and on such surrender, the said Station House Officer, shall release the petitioners/Accused Nos.2 to 4 on bail, on their executing personal bonds for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties in a like sum each to its satisfaction.

ii) On such release, the petitioner/Accused No.4 shall appear before the concerned Station House Officer on everyday between 10.30 AM and 01.00 PM for a period of thirty (30) days and thereafter as and when required until filing of charge sheet.

iii) The petitioners/Accused Nos.2 and 3 shall appear before the investigating authorities as and when required for the purpose of investigation.

iv) The petitioners/Accused Nos.2 to 4 shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C.

Miscellaneous applications, if any pending shall stand closed.

K.SURENDER, J

Date: 18.10.2022
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