

THE HONOURABLE SRI JUSTICE SAMBASIVA RAO NAIDU

CRIMINAL PETITION No.4279 OF 2023

ORDER:

This Criminal Petition is filed by the petitioners under Section 438 of Criminal Procedure Code seeking pre-arrest bail in FIR No.98 of 2023 on the file of Station House Officer, P.S. Manchiryal Town, Ramagundam District, registered for the offences under Section 498-A and 306 of Indian Penal Code.

2. Briefly, the case of the prosecution as per the record is that one Vennampalli @ Seelam Saritha was married to one Srinivas, who is shown as accused No.1 in the First Information Report. They were blessed with two children. Subsequently, the husband of the deceased started consuming alcohol and harassing the deceased, since the deceased was unable to bear the harassment, she went to her parents house. But at the instance of her husband, again she came back to the house of accused and on 26.02.2023 they went to Kondagattu and Vemulawada and

returned to home on 28.02.2023. It is also alleged that in the complaint that the petitioner Nos.1 and 2 herein instigated accused No.1 and at their instance, he again started harassing the deceased. As per the complaint it is alleged that the deceased herself set ablaze by pouring Diesel. Whereas, as per the dying declaration subsequently recorded, the deceased attributed that her husband and sisters-in-law poured Kerosene on her and set ablaze.

3. Heard learned counsel for the petitioners, learned Public Prosecutor for the respondent – State and perused the grounds of bail application.

4. Learned counsel for the petitioners submitted that accused No.1 was already released on bail. The petitioners are no way concerned with the alleged offences and they are residing with their respective spouses at different places. Learned counsel further submits that the petitioners are ready to furnish solvent sureties to the satisfaction of the Court and ready to abide by the conditions that may be imposed by the Court.

5. On the other hand, learned Public Prosecutor opposed for granting bail to the petitioners.

6. As per the remand case diary and other part-I case diary, the alleged offence took place on 28.02.2023 at 05.00 PM and the material witnesses are examined. A copy of the dying declaration is also available in the case diary. Therefore, the question of petitioners herein influencing the witnesses or tampering the evidence may not arise.

7. The petitioners herein are women residing with their respective spouses at different places and considering all the circumstances, this Court is inclined to grant anticipatory bail to the petitioners.

8. Accordingly, the Criminal Petition is allowed with the following conditions:

- i) The petitioners – accused are directed to surrender before the Court concerned on or before 25.05.2023, on such surrender, they shall be enlarged on bail on their executing personal bond for a sum of Rs.20,000/- (Rupees twenty

thousand only) each with two sureties each for a like sum to the satisfaction of the Court concerned.

ii) In case, the petitioners – Accused holds a passport, they are directed to surrender the same before the Court concerned.

iii) The petitioners – Accused shall not involve in any unlawful activity.

iv) The petitioners – Accused shall not leave the headquarters without the prior permission of the Court concerned.

v) The petitioners – Accused shall not tamper with the evidence in any manner.

vi) The petitioners – Accused shall abide by the conditions stipulated in Section 438 (2) of Cr.P.C and cooperate with the Investigating Officer in investigating the crime.

As a sequel, miscellaneous petitions, if any pending, shall stand closed.

JUSTICE SAMBASIVA RAO NAIDU

Date: 18.05.2023
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