

HONOURABLE SMT. JUSTICE G.ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION No.4636 OF 2023

ORDER:

This criminal petition is filed under Sections 437 and 439 of the Code of Criminal Procedure, 1973 (for short “Cr.P.C.”) seeking to enlarge the petitioner/Accused No.1 on bail in connection with Crime No.115 of 2023 on the file of Adibatla Police Station, Rachakonda, registered for the offence punishable under Section 306 of Indian Penal Code and Section 3(3)(w)(ii) of SC/ST (POA) Amendment Act.

2. Heard the learned counsel for the petitioner/Accused No.1 and learned Assistant Public Prosecutor for the respondent-State and perused the record.

3. It is the case of the petitioner that he was falsely implicated in this case and he is the sole bread-winner of the family and he has to look after his family members and as per the remand report also, all the witnesses have been examined except receiving of the postmortem report and other FSL documents. Therefore, he prays to grant bail.

4. On the other hand, learned Assistant Public Prosecutor contended that on a complaint made by the *defacto* complainant that his daughter

was missing, an FIR has been registered as “woman missing” and subsequently during the course of investigation, they have traced out the dead body of the daughter of the *defacto* complainant in the open fields. Therefore, the section of law has been altered to Section 306 of IPC and the petitioner has been arrayed as accused No.1 in the subject crime.

5. On perusal of the report dated 09.03.2023, it is evident that except registration of woman missing case on the complaint made by the father of the deceased, there are no specific allegations against the petitioner/accused No.1. Subsequently, after the death of the deceased, basing on the statement under Section 161 Cr.P.C. made by the father of the deceased, accused Nos.1 & 2 were implicated in this case. The petitioner has moved two bail applications before the Sessions Court and both the applications have been dismissed.

6. It is the contention of the learned counsel appearing for the petitioner that A2 was released on bail yesterday i.e. on 10.05.2023 in CrI.M.P.No.172 of 2023 on the file of Special Court of SC/ST Court, Ranga Reddy District.

7. On a perusal of the remand report, it is evident that based on the statement of the sister of the deceased, a case is made out against the petitioner. Till 11.03.2023, there is no word of whisper against the accused. Nobody has suspected that the accused might have abetted the

deceased to commit suicide. The fact whether the petitioner has demanded the deceased to fulfill his sexual lust for which she has committed the suicide or not is a matter which can be decided during the course of trial. As the entire investigation is completed, this Court is of the considerable view that this is a fit case to grant bail to the petitioner.

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

i) Petitioner-accused No.1 shall be enlarged on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a like sum each to the satisfaction of the XV Metropolitan Magistrate, Cyberabad at Ibrahimpatnam.

ii) Petitioner-accused No.1 shall appear before the Station House Officer, Adibatla Police Station, Rachakonda, on every Monday between 10.00 a.m., and 05.00 p.m., till the filing of the charge sheet.

iii) Petitioner-accused No.1 shall not tamper with the evidence and shall not influence the witnesses in this case.

iv) The concerned Station House Officer is at liberty to file any application for cancellation of the bail, if the petitioner-accused No.1 violates any of the above conditions.

v) Petitioner–accused No.1 shall cooperate with the investigation and shall not leave the country without prior permission of the Court below.

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

G.ANUPAMA CHAKRAVARTHY,J

Date :11.05.2023
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