

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No.5708 OF 2023

ORDER:

1. This petition is filed under Sections 437 and 439 of Criminal Procedure Code, 1973 (Cr.P.C) seeking to grant regular bail to the petitioner who is arrayed as accused No.3 in Crime No.83 of 2023 of Rein Bazar Police Station, Hyderabad. The offences alleged against the petitioner are under Sections 304(ii) and 109 read with Section 34 of the Indian Penal Code.

2. The sum and substance of case of the prosecution is that the deceased is the husband of the present petitioner and he was addicted to alcohol. He used to come to home late night causing inconvenience to the petitioner - accused No.3. On 27.04.2023 the deceased came late night, therefore, the present petitioner called accused No.1 who is her son to resolve such late night arrival of the deceased. Accused No.1 along with his friend came to accused No.3 and admonished the deceased, but he did not hear. Therefore, accused No.1 with the help of his friend accused No.2 allegedly beat the deceased with stick, resulting head injury and he became unconscious

when he was shifted to hospital, while undergoing treatment he died.

3. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for respondent - State.

4. There is no participation of the present petitioner in the commission of offence. Accused No.1 was called only to resolve the nuisance that is being caused by the deceased, by coming home in the late night in a drunken state. There is no intention on the part of the petitioner to take the life of the deceased. Accused No.1 in a spar of moment beat the deceased. In the said circumstances, this Court is inclined to grant bail to the petitioner-accused No.3 on certain terms and conditions.

5. Accordingly, the Criminal Petition is allowed and the petitioner-accused No.3 shall be released on bail on the following terms and conditions:

- (i) The petitioner-accused No.3 shall be released on bail on her executing a personal bond for Rs.10,000/- (Rupees Ten thousand only) with two sureties for a like sum each to the satisfaction of IV Additional Metropolitan Sessions Judge at Hyderabad.

- (ii) The petitioner-accused No.3 shall not directly or indirectly influence or make any witnesses or complainant.
- (iii) The petitioner-accused No.3 shall make available with the investigating agency for proper investigation and she shall fully cooperate with the investigation agency. She shall not at in any manner which will be prejudicial to fair and expeditious investigation.

JUSTICE M. LAXMAN

Date: 04.07.2023
pld/ns

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