

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No.6041 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 petitioners who are arrayed as accused Nos.2 and 4 in Crime No.51 of 2023 of Gudihathnoor Police Station, Adilabad District. The offence alleged against the petitioners is under Section 302 read with Section 34 of the Indian Penal Code.

2. Briefly the case of the prosecution is that deceased No.2 is the wife of accused No.1. On account of some differences between deceased No.2 and accused No.1, deceased No.2 was staying with her parents. Accused No.1 was suspecting that his wife - deceased No.2 had a relationship with deceased No.1 and causing disreputation to his family. On the date of incident, accused No.1 went to his in-laws house and found that deceased No.2 was missing and on enquiry he came to know that deceased No.2 went along with one Md.Raheman - deceased No.1 on scooty. Then accused No.1 picked up his son namely Lokesh and searched for deceased Nos.1 and 2, and he found a scooty

beside the right side of the BT road and on search he found that deceased Nos.1 and 2 were moving closely in the bushes. Therefore, accused No.1 called accused Nos.2 to 4. Initially, accused No.1 attacked on deceased No.1 when he tried to escape from the scene and when deceased No.2 was running away, accused Nos.2 to 4 chased and caught hold of her, then accused No.1 came and hit her with a stick. Resultantly, deceased Nos.1 and 2 were succumbed to injuries and died.

3. Heard learned counsel for the petitioners - Accused Nos.2 and 4 and learned Additional Public Prosecutor for the respondent - State.

4. On perusal of the material on record, petitioners - accused Nos.2 and 4 role is only that they chased deceased No.2 when she tried to ran away on seeing them, and it is accused No.1 who inflicted fatal injuries. Petitioners - accused Nos.2 and 4 are women and they are in jail for more than 65 days. Considering the above circumstances, this Court is inclined to grant bail to the petitioners - accused Nos.2 and 4.

5. Accordingly, the Criminal Petition is allowed and the petitioners-accused Nos.2 and 4 shall be released on bail on the following terms and conditions:

- (i) The petitioners-accused Nos.2 and 4 shall be released on bail on their executing a personal bond for Rs.25,000/- (Rupees twenty five thousand only) each with two sureties for a like sum each to the satisfaction of Judicial First Class Magistrate at Boath.
- (ii) The petitioners-accused Nos.2 and 4 shall not directly or indirectly influence or make any witnesses or complainant.
- (iii) The petitioners-accused Nos.2 and 4 shall make available with the investigating agency for proper investigation and they shall fully cooperate with the investigation agency. They shall not in any manner which will be prejudicial to fair and expeditious investigation.

JUSTICE M. LAXMAN

Date: 12.07.2023
ns/sa

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