

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No.6367 OF 2023

ORDER:

1. This petition is filed under Section 438 of Criminal Procedure Code, 1973 (Cr.P.C) seeking anticipatory bail to the petitioners, who are arrayed as accused Nos.1 and 2 in Crime No.101 of 2023 of Bellampalli Town Police Station, Ramagundam District. The offence alleged against the petitioners is under Section 302 read with Section 34 of the Indian Penal Code.

2. The facts disclose that the deceased appeared to be an alcoholic and he was not allowed to stay in the house by accused Nos.1 and 2. Accused No.1 is the son and accused No.2 is the wife of the deceased. On the date of incident, the deceased came to the house and asked Raithubandhu money and when accused No.2 refused, a call was made to Surpanch and accused No.2 did not respond to Surpanch and asked to wait till accused No.1-son come. In the night, accused No.1 came to the house and took a rod and allegedly hit on the head of the

deceased twice. Resultantly, the deceased sustained fatal injury and while undergoing treatment he succumbed.

3. Heard learned counsel for the petitioners - Accused Nos.1 and 2 and learned Additional Public Prosecutor for the respondent - State.

4. As seen from the entire complaint, the role of accused No.2 is that she did not accept the request of the deceased to pay the Raithubandhu money and she has no role in the alleged act of accused No.1. It is accused No.1 who alone allegedly beat the deceased with an iron rod twice on his head. Therefore, this Court feels that the benefit of bail can be given to accused No.2.

5. As per the allegations against accused No.1, it is a clear case of murder, therefore it is not a fit case to grant bail to accused No.1.

6. Accordingly, the Criminal Petition is partly allowed and the petitioner-accused No.2 shall be released on bail on the following terms and conditions:

- (i) The petitioner-accused No.2 is enlarged on bail in the event of her arrest in connection with FIR No.101 of 2023 on the file of the Station House Officer, Bellampalli Town Police Station, Ramagundam District on her executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties to the like sum each to the satisfaction of concerned Station House Officer.
- (ii) The petitioner-accused No.2 shall appear before the Station House Officer, Bellampalli Town Police Station, Ramagundam District on every Sunday between 10.00 am and 05.00 pm, for a period of three (03) months.
- (iii) The petitioner-accused No.2 shall abide by the other conditions stipulated in Section 438 (2) Cr.P.C and co-operate with the Investigating Officer in investigating the case.

JUSTICE M. LAXMAN

Date: 20.07.2023
ns/pld

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