

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 6643 OF 2023

ORDER:

1. This Criminal Petition under Section 438 Cr.P.C. is filed by petitioner – Accused No.3 seeking bail in the event of his arrest in connection with Crime No.74 of 2023 on the file of Mugpal Police Station, Nizamabad District registered for the offences punishable under Sections 306, 354A1(ii), 109 read with Section 34 of Indian Penal Code.

2. Heard Sri Y.S. Yella Nand Gupta, learned counsel for the petitioner – A3 and learned Additional Public Prosecutor, representing the State.

3. The case of the prosecution is that a complaint was filed on 27.05.2023 by the father of the deceased. He stated that the deceased was working as Staff Nurse in Manorama Hospital, Nizamabad, with a salary of Rs.8,000/- per month. Her husband died. She took a amount of Rs.80,000/- from the Chairman/Owner of the Manorama Hospital, Nizamabad, for her family necessities. The said Chairman/Owner, was harassing her for

repayment and also insisted for physical relationship with her. A.2 was supporting A.1. In the entire complaint, there is no allegation against the petitioner herein i.e., A.3.

4. Learned counsel appearing for the petitioner – A.3 would submit that the police are constantly calling him to the police station.

5. Learned Additional Public Prosecutor would submit that there is no specific allegation leveled against this petitioner in the complaint. However, the police have filed an alteration memo in which it is mentioned that this petitioner has married the deceased. In view of the same, no case was made out against A.1 and A.2, but the case against the petitioner was registered under Sections 306 and 420 of I.P.C.

6. Even in the alteration memo, nothing is specifically stated against the petitioner to infer any kind of abetement.

7. Accordingly, the Criminal Petition is allowed and the petitioner herein is granted anticipatory bail subject to the following conditions:

(i) The petitioner/accused Nos.3 is directed to surrender before the Mugpal Police Station, Nizamabad District, on or before 03.08.2023, and on such surrender, the said Station House Officer shall release the petitioner on bail on his 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 his satisfaction.

(ii) The petitioner/accused No.3 shall appear before the Station House Officer, Mugpal Police Station, Nizamabad District, everyday between 10.00 AM and 5.00 PM for a period from 03.08.2023 to 21.08.2023, and thereafter, as and when required.

(iii) The petitioner/accused No.3 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.

K.SURENDER, J

Date: 31.07.2023
GSP