

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.8253 OF 2023****ORDER:**

1. This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner/Accused in Crime.No.540 of 2023 on the file of Punjagutta Police Station, Hyderabad, registered for the offences under Sections 498-A, 307, 420 468 and 471.
2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. The *de-facto* complainant, who is the wife of the petitioner had filed a complaint on 12.08.2023 alleging that she was married to the petitioner herein in the year, 2012. Thereafter, a daughter was born who was suffering with genetic disorder. On account of bad habits of this petitioner, he was continuously beating her. On 07.12.2018, the petitioner tried to strangulate her by pressing on her neck with his feet. Feeling suffocated,

she was unable to breathe. The actions of the petitioner were recorded on CC TV footage. However, the camera was removed to erase evidence of his acts of beating. The petitioner had taken 50 tulas of gold and daimond jewelry which was gifted to his wife. She later came to know that on 31.05.2023, there was a loan of Rs.1,95,00,000/- sanctioned on 31.01.2023 in Kotak Mahindra Bank, Somajiguda branch. For the reason of forging her signature and taking loan for the purpose of business and also vehicle, the complaint was lodged.

4. The Police having registered the crime arrested the petitioner on 13.08.2023.

5. Learned Senior counsel appearing for the petitioner would submit that petitioner has filed a petition for divorce on 02.05.2023 before the Family Court at Hyderabad which is numbered as FCOP.No.1180 of 2023. The said petition was filed on the ground of cruelty and sought for custody of the daughter. Three months

thereafter, the present complaint was filed with false allegations.

6. As seen from the record, the *de-facto* complainant/wife alleges that in the year, 2018, the petitioner attempted to kill her. The said allegation is made after five years of the alleged act of pressing the neck of his wife. Further, all the documents which she alleges that loan was taken are available with the Bank. In the said circumstances, the complaint appears to be outcome of the disputes among the spouses and in the background of the petitioner filing a divorce petition three months prior to the complaint, this Court deems it appropriate to direct release of petitioner on bail, subject to following conditions:

- i) The petitioner/Accused shall execute personal bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties, for a like sum each to the satisfaction of XIV Additional Chief Metropolitan Magistrate, Hyderabad at Nampally, Telangana.

ii) The petitioner/Accused after release shall appear before the concerned Station House Officer at 10:00 a.m. on every Monday and Wednesday for a period of eight weeks and thereafter, as and when required for the purpose of investigation.

iii) The petitioner/Accused shall abide by the other conditions stipulated under Section 437(3) of Cr.P.C.

7. Accordingly, this Criminal Petition is allowed. Miscellaneous applications, pending if any, shall stand closed.

Date: 01.09.2023
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K.SURENDER, J

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Dt.01.09.2023

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