

**THE HON'BLE SRI JUSTICE K.SURENDER**

**CRIMINAL PETITION No. 9067 of 2023**

**ORDER:**

This Criminal Petition is filed under Section 438 of Cr.P.C. by the petitioner/Accused No.5 seeking bail in connection with Crime No.86 of 2022 dated 04.08.2022 on the file of Sujathanagar Police Station, Bhadradri-Kothagudem District registered for the offences punishable under 354, 354-A and 306 of Indian Penal Code (for short 'IPC').

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 is the mother of deceased. The deceased is the wife of this petitioner. Deceased committed suicide by consuming pesticide on 02.08.2022 and she died on 04.08.2022. The case of the prosecution is that accused Nos.1 and 2 attempted to rape the deceased which was seen by the petitioner/husband.

After going home, the petitioner allegedly beat her suspecting that she was having affair with accused No.1.

4. Learned counsel for the petitioner would submit that nothing is mentioned in the Dying Declaration against the petitioner, recorded by the learned Magistrate. In the Dying Declaration it is stated that Bhukya Naveen/Accused No.1 had forcibly taken her into his house and tried to rape her. For which act, Bhukya Naveen's mother and his wife were also responsible.

5. Since there is no allegation against this petitioner who is the husband, learned counsel prayed to grant the relief of anticipatory bail.

6. On the other hand, learned Additional Public Prosecutor would submit that in the Dying Declaration recorded on 02.08.2022, though, the deceased has not stated anything against this petitioner, however the deceased stated in the Dying Declaration recorded on 03.08.2022 that after going home, petitioner who is the husband had beaten her.

7. However, keeping in view that the crime is of the year 2022 and the allegation against this petitioner is that he has beaten his wife suspecting that she was having affair with accused No.1, this Court deems it appropriate to grant relief of anticipatory bail subject to the following conditions:-

- 1) The petitioner/Accused No.5 is directed to surrender before the Station House Officer, Sujathanagar Police Station, Bhadradi-Kothagudem District on 29.09.2023. Upon such surrender, the said Station House Officer shall release the petitioner/Accused No.5 on bail, on his executing personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to his satisfaction.
- 2) On such release, the petitioner/Accused No.5 shall appear before the concerned police on every Monday for a period of eight weeks.
- 3) The petitioner/Accused No.5 shall abide by the other conditions stipulated in Section 438(2) of

Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.

8. Accordingly, the Criminal Petition is allowed. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

Date : 25.09.2023  
dsv/ds

---

**K.SURENDER, J**

**THE HON'BLE SRI JUSTICE K.SURENDER**

**CRIMINAL PETITION No.9067 of 2023**  
**Dt.25.09.2023**

dsv/ds