

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.10602 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.117 of 2023 on the file of Ghanpur (M) Police Station, Jayashankar Bhupalpally District, registered for the offence under Section 302 of IPC.
2. Heard learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent-State and perused the record.
3. On 24.04.2023, the wife of the petitioner died. She was taken to the hospital and the hospital authorities declared her dead. Since the death appeared un-natural, crime was registered under Section 174 of Cr.P.C. The complaint was lodged on 25.04.2023 by the father-in-law of this petitioner stating that he deceased was married to this petitioner in the year, 2010. The petitioner was having an extra marital relation since three years and panchayat was also held. He suspected the petitioner for the death of his daughter.
4. Post-mortem was conducted and according to the post mortem report, the death of the deceased was due to pressure over neck.

5. After receipt of the said report, the Section of law was altered to Section 302 of IPC on 06.09.2023 and petitioner was arrested on 11.09.2023.

6. Learned counsel appearing for the petitioner would submit that except stating that this petitioner was responsible for death, no evidence is collected by the Police during investigation.

7. On the other hand, learned Assistant Public Prosecutor would submit that investigation is complete and charge sheet is filed. In the said charge sheet, it is mentioned that there was an altercation between the petitioner and the deceased in the evening prior to her death when the petitioner was in a drunken condition.

8. The evidence is circumstantial in nature. According to the charge sheet, blood was found on the bed where the deceased was sleeping. However, according to the post mortem report, cause of death was due to pressure over neck. No injuries are mentioned in the remand report.

9. Since investigation is complete, this Court deems it appropriate to grant the relief of regular bail to the petitioner, subject to following conditions:-

- i) The petitioner/Accused shall execute personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties, for a like sum each to the satisfaction of

Principal Junior Civil Judge-Cum-Magistrate of Judicial First Class at Bhupalpally.

ii) The petitioner/Accused after release shall appear before the concerned Court on every date of hearing.

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

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

Date : 06.11.2023
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K.SURENDER, J

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Dt.06.11.2023

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