

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.2484 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner – Accused under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”), to release her on regular bail in Crime No.106 of 2024 on the file of Amberpet Police Station, Hyderabad District, registered for the offence punishable under Section 302 of Indian Penal Code, 1860 (for short, ‘IPC’).

2. The case of the prosecution in brief was that on 08.02.2024 at 22:00 hrs, the *de facto* complainant lodged a report before the police stating that the accused was staying in his house as a tenant for the past 8 months. The petitioner/accused informed him about the murder committed by her of the deceased by name Wahed Pasha @ Sameer aged 35 years stating that the deceased who was known to her came into her house and while she was lying on her bed, he came and slept beside her and upon questioning him as to why he was behaving in that manner, he forcefully tried to sexually assault her by catch holding her neck. As such, she took a wooden pestle and beat him on his stomach due to which he died. Basing on the said

report, the petitioner/accused was arrested on 09.02.2024 and was produced before the concerned Magistrate at Hyderabad on 10.02.2024.

3. Heard the learned counsel for the petitioner-Accused and the learned Additional Public Prosecutor.

4. Learned counsel for the petitioner submitted that the petitioner was aged about 54 years, belonged to a poor family and was leading her life by selling roties in the street. She was being harassed regularly by the deceased for the past 15 days prior to the alleged incident and he was visiting her house in a drunken condition and was subjecting her to sexual harassment. There was no intention to commit his murder, but only to escape from him, the petitioner committed an act of self defense and prayed to enlarge the petitioner on bail.

5. Learned Assistant Public Prosecutor opposed grant of bail to the petitioner stating that the petitioner was involved in an offence of murder and if she was released on bail, it might be difficult to track her whereabouts and to secure her presence at the time of trial and prayed to dismiss the petition.

6. Perused the record.

7. Considering that the petitioner herself stated about the alleged offence to her landlord who lodged the report and the contents of the report would disclose that she had committed the offence while trying to protect herself from the deceased and as the petitioner was in custody since 10.02.2024, it is considered fit to enlarge her on bail.

8. Accordingly, this Criminal Petition is allowed and the petitioner – accused shall be released on regular bail subject to the following conditions:

- i) The petitioner/Accused shall execute a 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 the learned IV Additional Chief Metropolitan Magistrate, at Hyderabad.
- ii) The petitioner/Accused shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Date:06.03.2024
dgr

Dr. G.RADHA RANI, J