

THE HONOURABLE Dr.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.4157 OF 2024

ORDER:

This Criminal Petition is filed under Section 438 of Code of Criminal Procedure, 1973 (for short “Cr.P.C.”) seeking anticipatory bail to the petitioners-Accused Nos.2 to 4 in Crime No.138 of 2023 on the file of Itikyal (M) Police Station, Jogulamba Gadwal District, registered for the offence under Section 498-A read with 34 IPC, for which, later the offence under Section 306 IPC was added.

2. The case of the prosecution in brief was that on 27.10.2023 at 10.00 hours, the Sub-Inspector of Police, Itikyala received information from Agraseni Hospital, Kurnool about the victim, who consumed some unknown insecticide poison, was admitted in their hospital. On that information, the Sub-Inspector deputed HC 1671 to record the statement of the victim. The victim stated in her statement that her marriage was performed with one Boya Shekar (A1), resident of Narayanapuram village 9 years ago and they were blessed with two daughters. She was working as a cook in Sneha Chicken company at Jadcharla for the past two years and her husband was working as a lorry driver. On 10.10.2023 night at 22.00 hours her husband came home in drunken condition, quarreled with her and beat her with a belt. She intimated the same to her parents and on the next

day morning her father took her and her children to Itikyala village. After that on 13.10.2023 her husband and his aunt Naramma and his uncle Madhu Naidu came to Itikyala village and brought the children to Narayanapuram by quarreling with her. When she called her husband on 22.10.2023 in the morning at 7.00 AM and asked him to bring her children, her husband threatened her and asked her to die. Aggrieved by the behaviour of her husband, consumed the insecticide poison.

3. Basing on the said report, the above crime was registered against A1 to A4 initially for the offence under Section 498-A read with 34 IPC and subsequently on receiving intimation about the death of the victim, Section 306 IPC was also added.

4. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent-State.

5. Learned counsel for the petitioners submitted that there were no allegations against the petitioners-A2 to A4 for the offences under Section 498-A IPC or Section 306 IPC. The petitioners reside separately. They never involved in the family matters of A1. A1 was remanded to judicial custody and he was in jail and prayed to enlarge the petitioners-A2 to A4 on anticipatory bail.

6. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioners.

7. Perused the record. Considering that the petitioners-A2 to A4 were not the immediate family members of A1 and that they were distant relatives of A1, who were residing separately and the only allegation against them was that they supported A1 and there were no specific allegations that the petitioners abetted or instigated or induced the victim to commit suicide and that the petitioner Nos.1 and 3 are women, it is considered fit to enlarge the petitioners on anticipatory bail on certain conditions.

8. Accordingly, the Criminal Petition is allowed and the petitioners-A2 to A4 shall be released on anticipatory bail subject to the following conditions:

- 1) The petitioners-A2 to A4 are directed to surrender themselves before the Station House Officer, Itikyal Police Station (M), Jogulamba Gadwal District, within a period of 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioners on bail, on their executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties for a

like sum each to the satisfaction of the said
Station House Officer.

- 2) The petitioners-A2 to A4 shall abide by the
conditions stipulated under Section 438(2) of
Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

April 23, 2024
KTL

Dr. G.RADHA RANI, J