

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.13674 of 2024

ORDER:

This Criminal Petition is filed under section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of pre-arrest bail to the petitioner who is arrayed as accused in Crime No.630 of 2023 of Alwal Police Station, Cyberabad.

2. The brief facts of the case are that on 11.10.2023 at around 11.00 hours, the *de facto* complainant filed a complaint stating that the deceased was taken to hospital as she suffered from sudden swelling of legs, wherein, it is brought to the lime light that the victim was 07 months pregnant for 7 months and as per interest of the deceased, she continued her pregnancy journey and died on 10.10.2023 after delivering a dead baby on the same day due to her critical health issues. Based on the complaint, a case was registered vide Crime No.630 of 2023 before the Alwal Police Station, Cyberabad, for the offences punishable under Section 174 of Cr.P.C.

3. Heard, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Manoon, learned Additional Public Prosecutor appearing on behalf of the respondent No.1-State.

4. Learned counsel for the petitioner *firstly* submitted that that basing on the confession statement of LW-1, the petitioner herein is arrayed as accused, wherein, the LW-1 stated that the deceased informed him that she was in love with the petitioner and also requested him to support her for love marriage and as such basing on the statement of LW-1, Section 174 of Cr.P.C. was altered to Section 306 IPC by adding the petitioner as sole accused. He *secondly* submitted that the petitioner is innocent and he is no way concerned with the alleged offences. He *lastly* submitted that deceased died due to her critical health issues and prayed the Court to grant of anticipatory bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that the allegations levelled against the petitioner are serious and investigation is not yet completed,

therefore, granting bail to the petitioner, at this stage, does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. After considering submissions from both the parties and material available on record, except LW-1 statement, there is no evidence to prove the allegations levelled against the petitioner. Pertinently, the deceased died due to her critical health issues. Further, all witnesses were examined and material part of the investigation is also completed. Therefore, considering the facts and circumstances of the case, this Court is of the considered view that it is a fit case for granting of anticipatory bail to the petitioner.

7. Accordingly, this petition is allowed granting anticipatory bail to the petitioner subject to the following conditions:

- i. The petitioner shall surrender before the Station House Officer of P.S. Alwal, Cybererabad Commissionerate, Medchal-Malkajgiri District, within two weeks from today, and on such surrender, the said Station House

Officer shall release him on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.

- ii. The petitioner shall appear before the concerned Station House Officer on every Monday between 9:00 A.M. to 5:00 P.M., for a period of eight (08) weeks or till filing of charge sheet whichever is earlier.
- iii. The petitioner shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 06.12.2024
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