

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.13838 of 2024

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for granting of pre-arrest bail to the petitioner, who is arrayed as accused No.1 in Crime No.709 of 2024 before Kushaiguda Police Station, Hyderabad.

2. The brief facts of the case are that the marriage between the deceased and accused No.1 was performed on 30.04.2017 and they lead their marital life happily for some time and out of their wedlock, they blessed with two daughters. Thereafter, accused No.1, along with other accused, not only harassed harassing the deceased physically and mentally, but also threatened her with dire consequences for want of additional dowry. As a result, the deceased, being vexed with intolerable harassment by the accused persons, committed suicide. Hence, a case was registered vide Crime No.709 of 2024 before the Kushaiguda Police, for alleged offences punishable under Sections 108, 85 of Bharatiya Nyaya Sanhita, 2023 and Sections 3 and 4 of Dowry Prohibition Act.

3. Heard Sri K.Ravikanth, learned counsel for petitioner, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent - State.

4. Learned counsel for the petitioner *firstly* submitted that the petitioner is innocent and he is no way concerned with the alleged offences. He *secondly* submitted though there is no corroborative evidence, the petitioner was implicated in the case with false and fabricated allegations. He *thirdly* submitted that previously, bail application of the petitioner, *vide* CrI.M.P.Nos.237 of 2024, was dismissed by the Principal District and Sessions Judge – cum – Family Court, Meddchal-Malkajgir Districtm, at Malkajgiri, on 06.11.2024, without valid reasons. He lastly submitted that there is no criminal antecedent against the petitioner and petitioner is willing to furnish the securities as directed by this Court 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 serious allegations are levelled against the petitioner. He further submits that investigation is in progress and if the petitioner is released on bail at this stage, he may

tamper with the evidence and may threaten the witnesses. Hence, he prayed the Court to dismiss the petition.

6. Having regard to the rival submissions made and on going through the material placed on record, it is apparent that deceased committed suicide at her parents' house where this petitioner was not present. Further, defacto complainant filed affidavit stating no objection. It is pertinent to note that material part of investigation is 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 petitioners subject to the following conditions:

- i. The petitioner shall surrender before the Station House Officer of P.S. Kushaiguda, 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: 26.12.2024
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