

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.14397 of 2024

ORDER:

This Criminal Petition is filed under section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for granting of pre-arrest bail to the petitioners who are arrayed as accused Nos.2 to 5 in Crime No.239 of 2024 of Yedapally Police Station, Nizamabad District.

2. The brief facts of the case are that accused No.1 married the daughter of respondent No.2 i.e., the deceased and out of their wedlock, they blessed with two children. It is stated that accused No.1, along with other accused, used to harass the deceased mentally and physically and also used to threaten her with dire consequences for want of additional dowry, due to which, the deceased committed suicide. Hence, a case was registered vide Crime No.239 of 2024 before the Yedapally Police, for the offences punishable under Section 80(2) read with 3(5) of the BNS.

3. Heard Sri U.Chandra Sekhar, learned counsel appearing on behalf of the petitioners as well as Sri Syed

Yasar Manoon, learned Additional Public Prosecutor appearing on behalf of the respondent-State.

4. Learned counsel for the petitioners submitted that accused No.1 already arrested; accused Nos.2 and 3 are senior citizens suffering with old age ailments and accused Nos.4 and 5 are residing separately. He further submitted that the petitioners/accused Nos.2 to 5 are no way concerned with the alleged offences. He also submitted that the petitioners are residents of Yedpally Mandal, Nizamabad District and are willing to furnish sureties as directed. Hence, he prayed the Court to grant anticipatory bail to the petitioners.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioners stating that the deceased died due to the intolerable harassment by the accused and the investigation is not yet completed, therefore, granting anticipatory bail to the petitioners, at this stage, does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. Having regard to the submissions made by both the parties and a perusal of the material placed on record, it is apparent that accused No.1 used to harass the deceased and accused Nos.4 and 5, who are residing separately, are present

at the time of commission of the offence and accused Nos.2 and 3 are senior citizens suffering old age ailments. Pertinently, except ominous allegations, there are no specific allegations against the petitioners. It is noteworthy that the petitioners are taking care of the children of the deceased and accused No.1. 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 petitioners.

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

- i. The petitioners shall surrender before the Station House Officer of P.S. Yedapally, Nizamabad 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 petitioners shall appear before the concerned Station House Officer on every Monday between 9:00 A.M. to 10 P.M., for a period of eight (08) weeks or till filing of charge sheet whichever is earlier.
- iii. The petitioners shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and co-operate with the Investigating Officer in investigating the case.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 10.12.2024
gms

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