

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.16044 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 No.4 in Crime No.33 of 2023 of Dandepalli Police Station, Ramagundam.

2. The brief facts of the case are that the marriage between the deceased and accused No.1 was performed on 27.06.2018 and lead their marital life happily for some time and out of their wedlock, they blessed with two children. Thereafter, the deceased was suffering with stomach ache and vexed with her life, the deceased committed suicide by consuming pesticide poison and immediately she was shifted to Amrutha Hospital, while undergoing treatment, she was died. Initially, the father of the deceased stated that there is no doubt on the death of the deceased. Hence, a case was registered *vide* Crime No.33 of 2023 of Dandepally Police Station, Ramagundam, for the offences punishable under Section 174 Cr.P.C. Later, the mother of the deceased suspected the accused persons and

as such, the learned Judicial First Class Magistrate Court at Luxettipet has issued orders for re-investigation of the case vide Crime No.33 of 2023 and the Police has re-opened the case and altered the Section of law from Section 174 Cr.P.C to Sections 498-A, 304-B, 306 of IPC.

3. Heard Sri E Varun Kumar, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing on behalf of the respondent.

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 that the deceased is wife of his brother-in-law and that the petitioner had very minimal interactions with the deceased. He *thirdly* submitted that petitioner is Government Employee and there is no criminal antecedent against the petitioner. He *lastly* submitted that petitioner is residing in Magam Village, Narnnor Mandal, Adilabad and deceased was residing in Dandepalli village, which is nearly takes four hours journey, he never resided with the deceased 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 allegation leveled against the petitioner is serious in nature and the investigation is not yet completed and therefore, granting anticipatory 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, it apparent that except omnibus allegations, there are no specific allegations against the petitioner. Further, the averments of the petition discloses that the the deceased never resided with the petitioner, who is residing at Magam Village, Adilabad accused. It is pertinent to note that material part of investigation 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 petitioner subject to the following conditions:

- i. The petitioner shall surrender before
the Station House Officer of

P.S.Dandepalli, Ramagundam 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.

- i. The petitioner shall cooperate with the trial proceedings by appearing before the concerned Court whenever his presence is required as the charge sheet is filed before the concerned Court.
- ii. The petitioner shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 30.12.2024

gv

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