

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No. 5942 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking anticipatory bail to the petitioner/accused No.2 in Crime No.420 of 2025 on the file of SHO, KPHB Police Station, Cyberabad registered for the offences punishable under Sections 80 and 85 of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

2. The case of the prosecution is that on 01.04.2025, the complainant came to Police Station, KPHB, and lodged a written report stating that the accused persons including the petitioner herein harassed the deceased. It is the further case of the prosecution that L.W.2 i.e, Kontham Usha who is the sister of Sowjanya immediately shifted Sowjanya to the nearby Remedy Hospital and doctors confirmed that she was bought dead. Due to the harassment of her husband i.e., accused No.1, mother-in-law and brother-in-law, she committed suicide, hence the complainant requested for necessary action. Thereafter, basing on the complaint received from the mother of the deceased i.e., the complainant herein, the respondent registered the present FIR.

3. Heard Sri Deepak Misra, learned counsel for the petitioner/accused No.2 and Sri Arun Kumar Doddla, learned Additional Public Prosecutor for respondent -State.

4. Learned counsel for the petitioner submitted that the petitioner/accused No.2 is residing at Kambalapally, Mahabubabad District which is at distance of 200 kilometers and far away from the residence of the deceased and accused No.1. It is further contended that petitioner has not stayed with the deceased and accused No.1 prior to the alleged date of incident and hence the ingredients under Sections 80 and 85 does not attract against the petitioner. It is further submitted that the petitioner is a 55 years women and suffering with health problems. It is further submitted that the petitioner/accused No.2 is ready and willing to cooperate with the investigation and also ready to abide by the conditions, which are going to be imposed by this Court. Hence, the petitioner may be enlarged on anticipatory bail.

5. *Per contra*, the learned Additional Public Prosecutor submitted that petitioner has committed grave offence, investigation is under progress and if the petitioner is granted anticipatory bail at this stage, she may tamper the evidence and may influence the witnesses, and hence, prayed to dismiss the petition.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the accused Nos.1 and 2 are husband and mother-in-law of the deceased. Even according to the learned counsel for the petitioner and averments made in the present criminal petition, the petitioner/accused No.2 is residing in Kambalapally of Mahabubabad District which is at distance of 200 kilometers and far away from the residence of deceased and accused No.1. The record further reveals that the petitioner is suffering with health problems and taking treatment in a private nursing home. Even according to the learned Additional Public Prosecutor, the accused Nos. 1 and 3 were arrested on 04.04.2025 and so far 17 witnesses were already examined.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner/accused No.2 with the following conditions:

- (i) Petitioner/accused No.2 is directed to surrender before the S.H.O., KPHB Police Station on or before 13.05.2025 and on such surrender, she shall be enlarged on bail on her executing a personal bond for a sum of Rs.30,000/- (Rupees Thirty Thousand only), with two sureties for a like sum each to his satisfaction.
- (ii) On such release, petitioner/accused No.2 shall appear before the S.H.O., KPHB Police Station on

every Monday at 11-00 a.m. for a period of eight (8) weeks for the purpose of investigation and thereafter as and when required.

(iii) Petitioner/accused No.2 shall abide by the conditions stipulated under Section 482(2) of the BNSS and shall cooperate with the Investigating Officer in the investigation.

(iv) Petitioner/accused No.2 shall not interfere with the investigation or influence the witnesses.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

J. SREENIVAS RAO, J

Date: 07.05.2025

Bw/Sa

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