

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MONDAY, THE FIFTH DAY OF FEBRUARY,
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE T MALLIKARJUNA RAO
CRIMINAL PETITION NO: 357 OF 2024



Between:

G.Subramanyam, s/o G.Krishtappa, D.No.1-18/4, Sunkulamma Palyam, Tadipatri
Town, Tadipatri Town, Anantapur District.

...Petitioner/Accused

AND

The State of Andhra Pradesh, By Public Prosecutor, High Court of AP, Amaravati.

...Respondent/Complainant

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to enlarge the Petitioner on bail in Crime No. 110 of 2017 of Tadipatri Rural PS, Anantapur District, in the event of his arrest, in interest of justice and equity.

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of Sri N.Chandra Sekhar Reddy, Advocate for the Petitioner and of Public Prosecutor for the Respondent, the Court made the following

THE HON'BLE SRI JUSTICE T.MALLIKARJUNA RAO

Criminal Petition No.357 of 2024

ORDER :

This Criminal Petition is filed seeking anticipatory bail under Sections 438 of the Code of Criminal Procedure, 1973 ('CrPC') to petitioner/Accused in Crime No.110 of 2017 of Tadipatri Rural Police Station, registered for the offence under Section 324 and 307 of IPC.

2. Heard learned counsel for the petitioner/Accused and the learned Assistant Public Prosecutor representing the respondent/State.
3. Learned counsel for the petitioner submits that the *defacto* complainant is the wife of petitioner. Based on the complaint lodged by the *defacto* complainant, the case came to be registered on 04.04.2017.
4. Perused the accusations which were made against the petitioner. On 04.04.2017 when the *defacto* complainant was in bed room and a water boy came into bed room for taking money and her husband/petitioner entered into the bed room and questioned them and beat both of them by suspecting that they were indulging in illicit relationship and attacked the *defacto* complainant with a stone on her head.
5. It is submitted that subsequent to the incident in question, both the petitioner and *defacto* complainant compromised the matter and an award was passed by the Mandal Legal Services Authority, Gooty on 19.01.2019 in which the *defacto* complainant/wife agreed to give divorce to the petitioner/husband

after receiving permanent alimony of Rs.5,00,000/- and she also agreed to withdraw the criminal case registered against the petitioner vide Crime No.110 of 2017 and the petitioner has agreed to take care of his minor children.

6. In support of the said contention, the petitioner has placed copy of the order before the court. It is brought to the notice of the Court that subsequent to the said compromise, the *defacto* complainant was passed away and to show the same, death certificate of *defacto* complainant is placed.

7. It is the contention of the petitioner that he could not approach this Court to get anticipatory bail as the quash petition filed by him was pending for a considerable period. After death of his wife/the *defacto* complainant, he had withdrawn the quash petition and now approached this Court.


8. Material placed on record shows that the *defacto* complainant agreed before the Mandal Legal Services Authority to withdraw the case. It seems, it could not be withdrawn due to death of *defacto* complainant. Though the accusation have been made attracting Section 307 of IPC, as seen from the record, the allegation is made against the petitioner regarding throwing of stone without giving particulars of the said stone. It is doubtful as to whether Section 307 attract to the facts of the present case or not. It seems the police could not file the charge sheet despite passage of seven years period. It is also not in dispute that due to death of *defacto* complainant, the petitioner has undertaken care of his minor children. This Court finds force in the contention

of the petitioner that if the petitioner is arrested and sent to judicial remand, it will have some bearing on the prospectors of the minor children.

9. Considering the above facts and circumstances, this court is inclined to grant anticipatory bail to the petitioner/accused.

10. In the result, the criminal petition is allowed. The petitioner/Accused is directed to surrender before the Station House Officer, Tadipatri Rural Police Station within two weeks from today and the petitioner/Accused shall be released on his furnishing personal bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties for the like amount each, to the satisfaction of Station House Officer, Tadipatri Rural Police Station.

//TRUE COPY//

Sd/- K. KASIRAO ACHARI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Judicial First Class Magistrate, Tadipatri, Anantapur District.
2. The Station House Officer, Tadipatri Rural PS, Anantapur District.
3. One CC to SRI. N CHANDRA SEKHAR REDDY Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court of A.P., Amaravati.[OUT]
5. One spare copy.

PSD

HIGH COURT

TMR,J

DATED:05/02/2024

ANTICIPATORY BAIL ORDER

CRLP.No.357 of 2024

ALLOWED

