

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
TUESDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

HONOURABLE SRI JUSTICE K SREENIVASA REDDY
CRIMINAL PETITION NO: 5252 OF 2024



Between:

1. Daliboyana Nagamani @ Mani, W/o. Atcha Rao, Aged 47 years, Resident of D.No.36-92-233/4. A.S.R Nagar, Burma Camp, Kancharapalem, Visakhapatnam-530008.
2. Daliboyana Rakesh, S/o.Atcha Rao, Aged 28 years, Resident of D.No.36-92-233/4, A.S.R Nagar, Burma Camp, Kancharapalem, Visakhapatnam-530008.
3. Daliboyana Sai Raj @ Sai, S/o Atcha Rao, Aged 26 years, Resident of D.No.36- 92-233/4, A.S.R. Nagar, Burma Camp Kancharapalem. Visakhapatnam-530008

Petitioners/A3 to A5 Accused

AND

The State of Andhra Pradesh, Rep by its Public Prosecutor, High court
Of Andhra Pradesh at Amaravathi

Respondent/Complainant

Petition under Section 482 of BNSS is filed praying that in the circumstances stated in the affidavit filed in support of the Criminal Petition, the High Court may be pleased to enlarge the petitioners/A3 to A5 on anticipatory bail in the event of their arrest in connection with Crime No.204/2024 under Section 498A and 306 of IPC registered by the Sub Inspector of Police P.M.Palem Police Station Visakhapatnam City to direct the StationHouse Officer P.M.Palem Police Station, Visakhapatnam City to release the accused 3 to 5.

The petition/Appeal coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of Dr MAJJI SURI BABU Advocate for the Petitioner, PUBLIC PROSECUTOR (AP) for the Respondent and the Court made the following.

ORDER:-

This Criminal Petition, under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'the BNSS') has been filed on behalf of the petitioners/accused Nos.3 to 5 to grant anticipatory bail in connection with Crime No.204 of 2024 of P.M.Palem Police Station, Visakhapatnam

2. A case has been registered against the petitioners/accused Nos.3 to 5 and others for the offences punishable under Sections 498A and 306 read with 34 of the Indian Penal Code, 1860 (for brevity 'IPC').

3. Brief facts of the case are that, marriage of one Killaru Bangaruthalli (hereinafter referred to, as 'the deceased') was performed with accused No.1 on 15.05.2020; accused No.1 was alleged to have subjected the deceased to cruelty and suspected her fidelity on the instigation of accused No.2, father-in-law of the deceased, and petitioners herein/accused Nos.3 to 5; the deceased beseeched to allow her into the conjugal life; on that, the deceased suffered mental agony and on the intervening night of 12/13.04.2024 committed suicide by hanging herself to a fan with a saree. Basing on the report given by the mother of the deceased, a case in Crime No.204 of 2024 of P.M.Palem PS, Visakhapatnam, was registered and investigated into.

4. Heard. Perused the record.

5. Learned counsel for the petitioners/accused Nos.3 to 5 submitted that 1st petitioner/accused No.3 is sister of accused No.2 and petitioner Nos.2 and 3/accused Nos.4 and 5 are children of accused No.3 and therefore, the question of petitioners/accused Nos.3 to 5 abetting commission of suicide by the deceased is far from truth.

6. On the other hand, learned Assistant Public Prosecutor for State fairly submitted that all the allegations are directed as against accused Nos.1 and 2 and there is no allegation as against the petitioners/accused Nos.3 to 5.

7. A perusal of entire material on record goes to show that the accusations leveled as against the petitioners/accused Nos.3 are all omnibus and indeed, all those allegations are pointing towards accused Nos.1 and 2. Apparently, the petitioners/accused Nos.3 to 5 are distant relatives of accused Nos.1 and 2 and they do not stay at one place.

8. Admittedly, accused No.1, who is husband of the deceased, was enlarged on bail *vide* Order, dated 25.06.2024 in CrI.M.P.No.1390 of 2024 by the learned Sessions Judge, Mahila Court-cum-VI Additional District Judge, Visakhapatnam. Similarly, accused No.2 was also enlarged on bail as per the Order, dated 25.05.2024 by the learned Sessions Judge, Mahila Court, Visakhapatnam *vide* CrI.M.P.No.1389 of 2024.

9. A further perusal of material on record goes to show that all the allegations are directed as against accused No.1, who was husband of the deceased. In view of the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners/accused Nos.3 to 5, however, on certain conditions.

10. Accordingly, in the event of their arrest in the above crime, the petitioners/accused Nos.3 to 5 shall be released on bail on their executing personal bonds for a sum of Rs.10,000/- (Rupees ten thousand) each, with two sureties for the like sum each to the satisfaction of the arresting police officials and also on a condition that the petitioners/accused Nos.3 to 5 shall make themselves available for investigation as and when required and that they shall not cause any threat, inducement or promise to the prosecution witnesses.

Further, the petitioners/accused Nos.3 to 5 shall appear before the Station House Officer, P.M.Palem Police Station, Visakhapatnam, once in a fortnight in between 10.00 A.M., and 5.00 P.M., till filing of charge sheet.

11. Accordingly, the Criminal Petition is allowed.

SD/- K.SRINIVASA RAJU
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

For A.C.

To,

1. The S.H.O., P.M. Palem Police Station, Visakhapatnam City.
2. One CC to SRI. Dr MAJJI SURI BABU Advocate [OPUC]
3. Two CCs to PUBLIC PROSECUTOR, High Court of A.P., Amaravati [OUT]

4. One spare copy

HIGH COURT

SRK,J

DATED:03/12/2024

BAIL ORDER

CRLP.No.5252 of 2024

ALLOWED

