

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.7094 OF 2022****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking bail to the petitioner who is arrayed as Accused in the event of his arrest in Crime No.148 of 2022 on the file of Station House Officer, Wadapalli Police Station, Nalgonda District registered for the offence punishable under Section 174 of Indian Penal Code.

2. Heard learned counsel for the petitioner/Accused and learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. The case of the prosecution is that the deceased was found dead on the Railway track on 22.03.2022. The police examined the mother and uncle of the deceased who are eye witnesses of the said incident on the same day. However, the mother of the victim gave a statement on 15.07.2022 stating that the reason for the deceased committing suicide is that this petitioner had taken amount during the year 2017 and promised to get an appointment in The Samavesam of the Telugu Baptist Church for the job of Cab Assistant. However, he has failed to neither return the amount nor

provide a job, for which reason, the deceased went into depression and committed suicide.

4. Learned counsel for the petitioner submits that though the mother and uncle were examined on the date of the said incident, they have never stated anything against this petitioner. However three months later on the basis of the statement made by the *de facto* complainant who is the mother of the deceased a fresh crime was registered and this petitioner is arrayed as accused for commission of the offence under Section 306 of Indian Penal Code.

5. On the other hand, learned Assistant Public Prosecutor submits that there are several cases pending against this petitioner for the offence under Section 420 and other allied provisions.

6. As seen from the statement made by the mother of the deceased which has been made after a period of three months of the incident, there are specific allegations about the said amount but for the reason of delay in making such allegations against this petitioner, he can be granted the relief of anticipatory bail. However, keeping in view the other similar cases pending against this petitioner/Accused some stringent conditions need to be imposed.

7. Accordingly, the Criminal Petition is allowed and the petitioner/Accused shall be enlarged on bail in the event of his arrest subject to the following conditions:

i) The petitioner/Accused is directed to surrender before the Station House Officer, Wadapalli Police Station, Nalgonda District within ten days from today, and on such surrender, he shall be enlarged on bail on his executing personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh Only) with two sureties to the like sum each, to its satisfaction.

ii) The petitioner/Accused shall appear before the concerned Station House Officer everyday at 10.00 AM for thirty (30) days and thereafter as and when required.

iii) The petitioner/Accused shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

K.SURENDER, J

Date: 17.08.2022
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