

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10203 of 2022

ORDER:

1. Heard Sri Mohd.Muzaferulla Khan, learned counsel for the petitioner as well as the learned Additional Public Prosecutor, who is representing the respondent.

2. This Criminal Petition, under Section 438 Cr.P.C., is filed for pre-arrest bail. The petitioner, who sought the said relief, is arrayed as Accused No.2 in Crime No.428 of 2022 of Balapur Police Station.

3. Making his submission, learned counsel for the petitioner contends that even as per the version of the prosecution, Accused No.1 went to the parent's house of his wife, where his wife was staying and abused her and thereafter, she committed suicide and thus, there is no involvement of the petitioner whatsoever and therefore, Section 306 IPC does not attract so far as the petitioner is concerned.

4. On the other hand, the submission of the learned Additional Public Prosecutor is that due to the instigation of the petitioner also, who is the mother-in-law, the

deceased committed suicide. As per the contents of FIR, the deceased-Firdous Ansari was married to Accused No.1 and subsequently, she was harassed by both the accused suspecting her fidelity and she was let off at her parental house. On the date of incident, Accused No.1 went there, picked up quarrel with her and beat her and further abetted her to commit suicide and therefore, she committed suicide. A case was registered against the accused that they committed offences punishable under Sections 498-A and 306 IPC. The submission of the learned counsel for the petitioner, as earlier stated, is that Section 306 IPC does not attract so far as the petitioner is concerned.

5. Learned Additional Public Prosecutor states that the case is under investigation. As per the contents of FIR, the case was registered in the month of August 2022.

6. Having considered the said fact and taking into consideration the pleas taken by the learned counsel for the petitioner during the course of his submission, this Court considers desirable to honour the request of the petitioner, however, conditionally.

7. Resultantly, the Criminal Petition is allowed with the following conditions:

- (i) The petitioner/Accused No.2 is directed to surrender before the concerned Court within ten (10) days. On such surrender, she shall be enlarged on bail on her executing a personal bond for Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for like-sum each to the satisfaction of the Court concerned. The sureties are directed to submit their two latest passport size photographs at the time of furnishing solvency. One such photograph is ordered to be pasted in the Surety Register against the name of the surety. The other photograph shall be kept in the case record concerned.
- (ii) The petitioner/Accused No.2 shall report before the Station House Officer, Balapur Police Station on every Monday between 10.30 a.m. and 12:00 p.m. till filing of final report.
- (iii) The petitioner/Accused No.2 should not involve in any unlawful activity.
- (iv) The petitioner/Accused No.2 should afford all assistance for the proper investigation of the case.

- (v) The petitioner/Accused No.2 should not cause the evidence of the offence disappear.
- (vi) The petitioner/Accused No.2 should not tamper with the evidence in any manner.
- (vii) The petitioner/Accused No.2 should not by way of inducement, threat or promise, dissuade any person who is acquainted with the facts of the case, from disclosing such facts to the Court or to the Police Officer.
- (viii) In case the petitioner/Accused No.2 holds a passport, she shall surrender the same.
- (ix) The petitioner/Accused No.2 should ensure her presence whenever required by the Court or Police.
- (x) The petitioner/Accused No.2 shall not leave India without previous permission of the Court concerned.
- (xi) The petitioner/Accused No.2 shall file an affidavit before the Court concerned disclosing the following particulars:-
 - (1) Contact number
 - (2) Mail address
 - (3) Residential particulars.

In case, there is any change of the aforementioned details, the petitioner shall intimate the court concerned by giving a fresh affidavit duly

mentioning the change. She shall continue to do so till filing of the final report.

Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the pre-arrest bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date: 07.12.2022
ysk

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10203 of 2022

Date:07.12.2022

ysk

CIVIL REVISION PETITION No.3578 of 2018

27.12.2021

DA