

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10084 of 2022

ORDER:

1. Heard Sri M. Manoj Kumar, learned counsel appearing for the petitioners as well as learned Additional Public Prosecutor who is representing the respondent.

2. This Criminal Petition is filed under section 438 Cr.P.C for grant of pre arrest bail to the petitioners who are arrayed as accused Nos.3 to 6 in Crime No.403 of 2022 of Kusaiguda Police Station, Rachakonda.

3. Learned counsel for the petitioners states that the petitioners have not committed any offences whatsoever. He also states that the petitioners never instigated the sister of the de-facto complainant to commit suicide. Learned counsel also states that accused Nos.1 and 2 were arrested and were already enlarged on bail and further, the investigation is completed and therefore, the petitioners may be granted pre-arrest bail.

4. On the other hand, the submission of the learned Additional Public Prosecutor is that accused No.1 agreed to marry the deceased-Mounika, but subsequently

refused to marry and hence, the deceased-Mounika committed suicide.

5. The crux of the case, as could be perceived through the material available on record, is that the deceased Mounika fell in love with accused No.1 and both of them started living at the house of accused No.1. The family members of accused No.1 also accepted their love affair and allowed her to stay at their house. However, subsequently accused No.1 refused to marry and therefore, the deceased Mounika committed suicide by hanging.

6. The submission of learned Additional Public Prosecutor is that four crucial witnesses were examined till now. It is also stated that the prime accused, i.e. accused Nos.1 and 2 were arrested and were already enlarged on bail. Nothing is stated about the requirement of the petitioners for arrest and remand to judicial custody. Also, as submitted by learned Additional Public Prosecutor the examination of crucial witnesses is completed. Therefore, this Court is of the view that the request of the petitioners can be honoured, however conditionally.

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

- (i) The petitioners/Accused No.3 to 6 are directed to surrender before the concerned Court within ten (10) days. On such surrender, they shall be enlarged on bail on each of them executing a personal bond for Rs.25,000/- (Rupees Twenty Five 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 petitioners/Accused No.3 to 6 shall report before the Station House Officer, Kusaiguda Police Station, on every Monday between 10.30 AM and 12:00 PM till filing of final report
- (iii) The petitioners/Accused No.3 to 6 should not involve in any unlawful activity.
- (iv) The petitioners/Accused No.3 to 6 should afford all assistance for the proper investigation of the case.
- (v) The petitioners/Accused No.3 to 6 should not cause the evidence of the offence disappear.

- (vi) The petitioners/Accused No.3 to 6 should not tamper with the evidence in any manner.
- (vii) The petitioners/Accused No.3 to 6 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 petitioners/Accused No.3 to 6 hold passport, they shall surrender the same if the same were not seized till now.
- (ix) The petitioners/Accused No.3 to 6 should ensure their presence whenever required by the Court or Police.
- (x) The petitioners/Accused No.3 to 6 shall not leave India without previous permission of the court concerned.
- (xi) The petitioners/Accused No.3 to 6 shall file separate affidavits before the Court concerned disclosing the following particulars:-
 - (1) Contact number
 - (2) Mail address
 - (3) Residential particulars.

In case, there is any change in the aforementioned details, the petitioners shall intimate the court concerned by giving fresh affidavits duly mentioning the change. They shall 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.

As a sequel, miscellaneous petitions pending, if any, shall stand closed

Dr. JUSTICE CHILLAKUR SUMALATHA

Date: 22.11.2022
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HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10084 of 2022

22.11.2022

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