

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10454 of 2022

ORDER:

Heard Sri M.Ajay Kumar, learned counsel for the petitioner, as well as learned Additional Public Prosecutor who is representing the respondent-State.

2. This Criminal Petition is filed under Section 439 Cr.P.C. seeking the Court to enlarge the petitioner, who is arrayed as accused No.1 in Crime No.109 of 2020 of Yellandu Police Station, Bhadradri-Kothagudem District, on bail.

3. Learned counsel for the petitioner states that the petitioner has not committed any offence whatsoever, much less the offence punishable under Section 306 IPC. Learned counsel submits that earlier, the petitioner filed a Criminal Petition vide Criminal Petition No.3706 of 2022 for quash of proceedings in the F.I.R., but the said Criminal Petition stood dismissed due to non-prosecution and subsequently, the petitioner was arrested and remanded to judicial custody. Learned counsel states that as the petitioner is not at fault, he may be enlarged on bail.

4. On the other hand, the submission of the learned Additional Public Prosecutor is that it is the petitioner and

other accused who instigated the petitioner to commit suicide. However, learned Additional Public Prosecutor states that entire investigation is completed and charge sheet is also filed.

5. The case of the prosecution, as could be perceived through the material available on record, is that the petitioner, his wife and their daughter instigated the deceased-Medidhi Parushuram to commit suicide. The person who died is the son-in-law of the petitioner. However, as the entire investigation is completed, this Court is of the view that the request of the petitioner for grant of bail can be honoured, however conditionally.

6. Resultantly, this Criminal Petition is allowed with the following conditions:-

- (i) The petitioner/accused No.1 shall be enlarged on bail on his executing a personal bond for Rs.30,000/- (Rupees Thirty thousand only) with two sureties for the 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) In case, the petitioner/accused No.1 holds a passport, he is directed to surrender the same, if it is not seized by now.

(iii) The petitioner/accused No.1 should not involve in any unlawful activity.

(iv) The petitioner/accused No.1 should afford all assistance for proper investigation of the case.

(v) The petitioner/accused No.1 should not cause the evidence of the offence disappear.

(vi) The petitioner/accused No.1 should not tamper with the evidence in any manner.

(vii) The petitioner/accused No.1 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) The petitioner/accused No.1 should ensure his presence whenever required by the Court or Police.

(ix) The petitioner/accused No.1 shall not leave India without previous permission of the court concerned.

(x) The petitioner/accused No.1 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 in the aforementioned details, the petitioner shall intimate the court concerned by giving a fresh affidavit duly mentioning the change. He 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 bail granted.

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

Dr. JUSTICE CHILLAKUR SUMALATHA

01.12.2022
dr