

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.515 of 2023

ORDER:

1. Seeking the Court to enlarge the petitioner, who is arrayed as Accused No.1 in Crime No.1245 of 2022 of Uppal Police Station, on bail, the present Criminal Petition is filed under Section 439 Cr.P.C.

2. Heard Sri K.Venumadhav, learned counsel for the petitioner as well as the learned Additional Public Prosecutor who is representing the Respondent-State.

3. Making his submission, learned counsel for the petitioner contends that a trivial dispute went on between the petitioner and his wife regarding purchase of house at the native village of the petitioner and his wife aggrieved by the proposal of purchase of house at the native village of the petitioner, committed suicide by hanging and thus, there is no involvement of the petitioner whatsoever. Learned counsel also states that the petitioner is in judicial custody since 10.12.2022. Learned counsel further submits that the petitioner has neither committed offence punishable under Section 306 IPC nor under the provisions of Section 498-A IPC or attracting the provisions

of Sections 3 & 4 of Dowry Prohibition Act. Learned counsel finally seeks the Court to enlarge the petitioner on bail.

4. On the other hand, the submission of the learned Additional Public Prosecutor is that the petitioner harassed the deceased for want of additional dowry and thereafter proposed to purchase a house at his native village and though the deceased objected, he proceeded with the said proposal and therefore, the deceased committed suicide. Learned Additional Public Prosecutor also stated that ten (10) witnesses were examined till now.

5. Thus, by the submissions made, it is clear that basing on the dispute that arose regarding purchase of house at the native place of the petitioner, the wife of the petitioner committed suicide. Also, it is clear that the petitioner is in judicial custody since more than a month and that ten (10) witnesses were examined till now.

6. Having considered these factors, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

7. Resultantly, the 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.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.1 shall report before the Station House Officer, Uppal Police Station, on every Monday between 10.30 AM and 12.00 PM till filing of final report.
- (iii) The petitioner/Accused No.1 should not involve in any unlawful activity.
- (iv) The petitioner/Accused No.1 should afford all assistance for the 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) In case the petitioner/Accused No.1 holds a passport, he shall surrender the same if the same is not seized till now.
- (ix) The petitioner/Accused No.1 should ensure his presence whenever required by the Court or Police.
- (x) The petitioner/Accused No.1 shall not leave India without previous permission of the court concerned.
- (xi) 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.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date:25.01.2023
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