

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.379 of 2023

ORDER:

1. Heard Sri K.M.Mahender Reddy, learned counsel for the petitioners as well as the learned Additional Public Prosecutor who is representing the Respondent-State.

2. Seeking the Court to enlarge the petitioners, who are arrayed as Accused Nos.1 & 2 in Crime No.248 of 2022 of Varni Police Station, Nizamabad District, on bail, the present Criminal Petition is filed under Section 439 Cr.P.C.

3. The matrix of the case as could be perceived through the material available on record, more particularly the Remand Case Diary, is that the deceased T.Hanmandlu, who is the son of the *de facto* complainant, having addicted to the habit of consuming liquor, used to beat the *de facto* complainant demanding money and he was also harassing his siblings who are none other than the petitioners herein. On the date of incident, the deceased-Hanmandlu came to the house in a drunken condition, picked up quarrel with the *de facto* complainant i.e. his mother and the petitioners herein for want of money. Due to that, the petitioners beat him with Neem sticks with an intention to kill him and

thereafter, took a Nylon rope and strangled him to death. Learned counsel for the petitioners contends that the petitioners are in judicial custody since 57 days and seventeen (17) witnesses were examined till now and as the entire investigation is completed, the petitioners may be enlarged on bail. Learned counsel further submits that police indeed took the signature of the *de facto* complainant on a blank paper and she never lodged any complaint to police.

4. On the other hand, the submission of the learned Additional Public Prosecutor is that it is the petitioners herein who caused the death of the deceased Hanmandlu. However, learned Additional Public Prosecutor did not deny the fact that the investigation is completed. That apart, no reason is assigned as to why the petitioners should remain in judicial custody for a further period.

5. Therefore, this Court is of the view that the request of the petitioners can be honoured, however, conditionally.

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

- (i) The petitioner/Accused Nos.1 & 2 shall be enlarged on bail on their executing a personal bond for Rs.50,000/- (Rupees Fifty Thousand only) each 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 Nos.1 & 2 shall report before the Station House Officer, Varni Police Station on every Sunday and Wednesday between 10.30 AM and 12.00 PM till filing of final report.
- (iii) The petitioners/Accused Nos.1 & 2 should not involve in any unlawful activity.
- (iv) The petitioners/Accused Nos.1 & 2 should afford all assistance for the proper investigation of the case.
- (v) The petitioners/Accused Nos.1 & 2 should not cause the evidence of the offence disappear.

- (vi) The petitioners/Accused Nos.1 & 2 should not tamper with the evidence in any manner.
- (vii) The petitioners/Accused Nos.1 & 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 petitioners/Accused Nos.1 & 2 hold a passport, they shall surrender the same if the same is not seized till now.
- (ix) The petitioners/Accused Nos.1 & 2 should ensure their presence whenever required by the Court or Police.
- (x) The petitioners/Accused Nos.1 & 2 shall not leave India without previous permission of the Court concerned.
- (xi) The petitioners/Accused Nos.1 & 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 in the aforementioned details, the petitioners shall intimate the

Court concerned by giving fresh affidavits duly mentioning the change. They 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: 24.01.2023

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