

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.566 of 2023

ORDER:

Heard Sri G.Rajeshwar Rao, learned counsel for the petitioners, as well as learned Additional Public Prosecutor, who is representing the respondent-State.

2. This is an application filed under Section 438 Cr.P.C., seeking the Court for grant of pre-arrest bail. The petitioners, who are arrayed as accused Nos.2 to 5 in Crime No. 147 of 2022 of Undavelly Police Station, Jogulamba Gadwal District, are before this Court.

3. Making his submission, learned counsel for the petitioners contends that the first petitioner is the father, second petitioner is the mother, third petitioner is the sister and fourth petitioner is the brother-in-law of accused No.1. Learned counsel submits that the petitioners are not involved in the family affairs of accused No.1 and his wife, who committed suicide and only because they are family members of accused No.1, they are implicated in this case and, therefore, anticipatory bail may be granted.

4. The submission of learned Additional Public Prosecutor, *per contra*, is that the wife of accused No.1 committed suicide by consuming poison and the case is still under investigation. Learned Additional Public Prosecutor, however, states that five material witnesses are already examined.

5. Gone through the relevant material that is brought on record. Learned counsel for the petitioners, during the course of his submission, stated that accused No.1 is arrested and he is in judicial custody at present. Having considered the contents of the complaint, the stage of investigation and as grave allegations are directed only against accused No.1, this Court is of the view that the request of the petitioners can be honoured, however, conditionally.

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

- (i) The petitioners/accused Nos.2 to 5 are directed to surrender before the Court concerned 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 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) The petitioners/accused Nos.2 to 5 hold passports, they are directed to surrender the same.

(iii) The petitioners/accused Nos.2 to 5 should not involve in any unlawful activity.

(iv) The petitioners/accused Nos.2 to 5 should afford all assistance for proper investigation of the case.

(v) The petitioners/accused Nos.2 to 5 should not cause the evidence of the offences disappear.

(vi) The petitioners/accused Nos.2 to 5 should not tamper with the evidence in any manner.

(vii) The petitioners/accused Nos.2 to 5 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 petitioners/accused Nos.2 to 5 should ensure their presence whenever required by the Court or Police.

(ix) The petitioners/accused Nos.2 to 5 shall not leave India without previous permission of the Court concerned.

(x) The petitioners/accused Nos.2 to 5 shall report before the Station House Officer, Undavelly Police Station, Jogulamba Gadwal District, on every Monday between 10.30 a.m. and 12.00 p.m., till filing of the final report.

(xi) The petitioners/accused Nos.2 to 5 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 separate 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.

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

Dr. JUSTICE CHILLAKUR SUMALATHA

Date:27.01.2023

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