

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.983 of 2023

ORDER:

1. Heard Sri K.Venkatesh Gupta, learned counsel who argued on behalf of Sri D.Bhaskar Yadav, learned counsel on record for the petitioner. Also heard the 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.925 of 2022 of Chandanagar Police Station, on bail.

3. Making his submission, learned counsel for the petitioner contends that the allegation that is levelled against the petitioner is that he harassed his wife due to which she committed suicide and indeed the said allegation is false. Learned counsel submits that the petitioner moved an application for grant of bail vide CrI.P.No.10725 of 2022, but this Court dismissed the said bail application on the ground of pendency of investigation and as the entire investigation is completed and charge sheet is also laid, he may be enlarged on bail.

4. Learned Additional Public Prosecutor admitted the fact of completion of investigation and laying of charge sheet. Learned counsel for the petitioner, during the course of his submission, stated that the petitioner is in judicial custody since 100 days. This Court does not find any justifiable grounds, whatsoever, to dishonour the request of the petitioner.

5. 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 should not involve in any unlawful activity.

- (iii) The petitioner/Accused No.1 should afford all assistance for proper investigation of the case.
- (iv) The petitioner/Accused No.1 should not cause the evidence of the offence disappear.
- (v) The petitioner/Accused No.1 should not tamper with the evidence in any manner.
- (vi) 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.
- (vii) In case the petitioner/Accused No.1 holds a passport, he shall surrender the same if the same is not seized till now.
- (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.

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:07.02.2023

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