

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1136 of 2023

ORDER:

1. Heard Sri Pasham Ravindra Reddy, learned counsel for the petitioner as well as the learned Additional Public Prosecutor who is representing the Respondent-State.
2. This Criminal Petition, under Section 439 Cr.P.C., is filed seeking the Court to enlarge the petitioner, who is arrayed as Accused No.1 in Crime No.1537 of 2022 of Vanasthalipuram Police Station, on bail.
3. Making his submission, learned counsel for the petitioner contends that the petitioner has not committed any offence whatsoever, but his wife foisted a false case against him. Learned counsel further submits that basing on the private complaint filed by his wife, the petitioner is implicated in this case. Learned counsel also submits that anticipatory bail was granted in favour of the other accused and the petitioner was arrested on 16.12.2022 and he is in judicial custody since '59' days and as the entire investigation is completed, he may be enlarged on bail.

4. Per contra, the submission of the learned Additional Public Prosecutor is that the petitioner attempted to kill his wife and he also demanded additional dowry. Learned Additional Public Prosecutor also states that ten (10) material witnesses were examined till now.

5. The case of the prosecution in brief is that the petitioner married the *de facto* complainant and gave birth to a child. However, the petitioner started harassing the *de facto* complainant by stating that she married earlier and it is her second marriage. He also subjected her to cruelty by demanding additional dowry and finally, attempted to kill her.

6. As per the submissions made, the petitioner is in judicial custody since about 2 months and that the material part of investigation is completed.

7. Having considered all these facts, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

8. 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.75,000/- (Rupees Seventy Five 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, Vanasthalipuram Police Station on every Sunday and Thursday between 10.30 A.M and 12.00 P.M 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:14.02.2023
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