

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1099 of 2023

ORDER:

1. Heard Sri N.N.Somendra Reddy, learned counsel for the petitioner as well as the learned Additional Public Prosecutor who is representing the respondent-State.
2. Invoking Section 438 Cr.P.C., the present Criminal Petition is filed seeking the Court to grant pre-arrest bail in favour of the petitioner, who is arrayed as Accused in Crime No.7 of 2023 of Koilkonda Police Station, Mahabubnagar District.
3. Learned counsel for the petitioner states that the petitioner has not committed any offence whatsoever and he is not responsible for the death of the deceased Venkatesh Naik, but Police are trying to arrest the petitioner and therefore, anticipatory bail may be granted.
4. On the other hand, the learned Additional Public Prosecutor states that as the petitioner harassed the deceased-Venkatesh Naik, he died and the case is under investigation. Learned Additional Public Prosecutor also states that six witnesses were examined till now.

5. As per the contents of the complaint, there are disputes between the petitioner and the deceased-Venkatesh Naik regarding division of properties. Vexed with the attitude of the petitioner who had not come forward for amicable division of properties, the deceased-Venkatesh Naik consumed some poison and died.

6. Having considered the fact that even as per the contents of the complaint, the petitioner is related to the deceased and there were disputes regarding division of properties which lead to the death of the deceased and as the material part of investigation is completed, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

7. In the result, the Criminal Petition is allowed with the following conditions:

- (i) The petitioner/Accused is directed to surrender before the concerned Court within ten (10) days. On such surrender, he 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 shall report before the Station House Officer, Koilkonda Police Station, on every Monday and Thursday between 10.30 A.M and 12:00 P.M. till filing of final report.
- (iii) The petitioner/Accused should not involve in any unlawful activity.
- (iv) The petitioner/Accused should afford all assistance for the proper investigation of the case.
- (v) The petitioner/Accused should not cause the evidence of the offence disappear.
- (vi) The petitioner/Accused should not tamper with the evidence in any manner.
- (vii) The petitioner/Accused 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 holds a passport, he shall surrender the same.
- (ix) The petitioner/Accused should ensure his presence whenever required by the Court or Police.
- (x) The petitioner/Accused shall not leave India without previous permission of the Court concerned.
- (xi) The petitioner/Accused 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 of 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 pre-arrest bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date:13.02.2023
ysk

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1099 of 2023

Date:13.02.2023

ysk