

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1208 of 2023

ORDER:

Heard Sri Rapolu Bhaskar, learned counsel for the petitioner, as well as 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.2 in Crime No.623 of 2022 of Balapur Police Station, Rachakonda Commissionerate, on bail.

3. The case of the prosecution, as could be seen from Remand Case Diary Part-I, is that the deceased-Borra Bamma (hereinafter referred to as "the deceased" for brevity) lent a sum of Rupees Ten thousand to accused No.1 towards hand loan. Accused No.1 was having illicit intimacy with the petitioner-accused No.2. The deceased started threatening accused No.1 to repay the debt. On the date of incident, the deceased went to the work place of accused No.1 and demanded accused No.1 to pay the money that is due to her. On that, accused No.1 decided to kill the deceased. Further, he thought that the gold and silver

ornaments that were present over the body of the deceased would assist the petitioner-accused No.2 financially. Therefore, he cut the neck of the deceased with an axe and screened the dead body. He handed over the gold and silver ornaments of the deceased to accused No.2. Accused No.2 i.e., the petitioner received those gold and silver ornaments knowing well that they belong to the deceased and that accused No.1 had killed the deceased. She pledged those gold ornaments and took loan.

4. Making his submission, the learned counsel for the petitioner contends that the petitioner is in judicial custody since 29.12.2022 and even as per the version of the prosecution, the petitioner had only received the ornaments of the deceased and she had not participated in the offence of killing of the deceased. Learned counsel also states that as the investigation is completed, the petitioner may be enlarged on bail.

5. The submission of the learned Additional Public Prosecutor is that twenty (20) material witnesses were examined till now.

6. Thus, by the submission of the learned Additional Public Prosecutor, it is clear that material part of investigation is completed. Also, even as per the version of the prosecution, the petitioner has committed offence falling within the ambit of Section 411 IPC. Therefore, this Court considers it desirable to honour the request of the petitioner, however conditionally.

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

(i) The petitioner/accused No.2 shall be enlarged on bail on her executing a personal bond for Rs.50,000/- (Rupees Fifty 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) In case, the petitioner/accused No.2 holds a passport, she is directed to surrender the same, if it is not seized by now.

- (iii) The petitioner/accused No.2 should not involve in any unlawful activity.
- (iv) The petitioner/accused No.2 should afford all assistance for proper investigation of the case.
- (iv) The petitioner/accused No.2 should not cause the evidence of the offence disappear.
- (v) The petitioner/accused No.2 should not tamper with the evidence in any manner.
- (vi) The petitioner/accused No.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.
- (vii) The petitioner/accused No.2 should ensure her presence whenever required by the Court or Police.
- (viii) The petitioner/accused No.2 shall not leave India without previous permission of the court concerned.
- (x) The petitioner/accused No.2 shall report before the Station House Officer, Balapur Police Station, Rachakonda Commissionerate, on every

Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(ix) The petitioner/accused No.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 petitioner shall intimate the court concerned by giving a fresh affidavit duly mentioning the change. She 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.

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

Dr. JUSTICE CHILLAKUR SUMALATHA

13.02.2023
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