

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1161 of 2023

ORDER:

Heard Sri M.Ajay Kumar, learned counsel for the petitioner, as well as learned Additional Public Prosecutor who is representing the respondent-State.

2. This Criminal Petition is filed under Section 438 Cr.P.C. seeking pre-arrest bail in favour of the petitioner, who is arrayed as accused No.2 in Crime No.191 of 2022 of Shyampet Police Station, Warangal District.

3. The matrix of the case, as could be perceived through the contents of the complaint, is that the deceased-Suresh borrowed a sum of Rupees Twenty Lakhs from accused No.1 and demanding the said money, accused No.1 and petitioner, who is the wife of accused No.1, harassed the deceased-Suresh and therefore, he committed suicide by consuming poison.

4. Stating that the allegations that are made in the complaint are totally false, learned counsel for the petitioner submits that the deceased-Suresh borrowed a sum of Rupees Twenty lakhs from accused Nos.1 and 2 and executed a

mortgage deed and thereafter, to avoid payment, he executed a Gift deed in respect of the same property in favour of his wife and the said acts of the deceased-Suresh were questioned by the petitioner and her husband and except that, they did nothing. Learned counsel also submits that though the deceased-Suresh lived for three days after consuming the alleged poison, his statement was not recorded and there is no material on record to show the involvement of the petitioner and therefore, anticipatory bail may be granted.

5. The submission of the learned Additional Public Prosecutor, on the other hand, is that due to the instigation of the petitioner and her husband, the deceased-Suresh died. Learned Additional Public Prosecutor however states that fifteen (15) material witnesses were examined till now. It is also reported that accused No.1 was arrested and was remanded to judicial custody.

6. Having considered the submissions made by both parties, this Court is of the view that the request of the petitioner can be honoured, however conditionally.

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

- (i) The petitioner/accused No.2 is directed to surrender before the Court concerned within ten (10) days. On such surrender, she 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.
- (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.
- (v) The petitioner/accused No.2 should not cause the evidence of the offence disappear.

(vi) The petitioner/accused No.2 should not tamper with the evidence in any manner.

(vii) 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.

(viii) The petitioner/accused No.2 should ensure her presence whenever required by the Court or Police.

(ix) 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, Shyampet Police Station, Warangal District, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) 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.

Dr. JUSTICE CHILLAKUR SUMALATHA

15.02.2023
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