

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1313 of 2023

ORDER:

Heard Smt S.Kiranmayee, learned counsel for the petitioner, as well as learned Additional Public Prosecutor who is representing the respondent-State.

2. Seeking pre-arrest bail, this Criminal Petition is filed under Section 438 Cr.P.C. on behalf of the petitioner who is arrayed as accused in Crime No.282 of 2022 of Kesamudram Police Station, Mahabubabad District.

3. Making her submission, learned counsel for the petitioner contends that the petitioner has not committed any offence whatsoever, more so the offence punishable under Section 306 IPC. Learned counsel further submits that the petitioner did not instigate the deceased-Bindu to commit suicide, even as per the contents of complaint, and therefore, anticipatory bail may be granted.

4. Per contra, the submission of the learned Additional Public Prosecutor is that during the course of galata that took place, the petitioner asked the deceased-Bindu and her

mother to die and the deceased-Bindu who could not digest those words committed suicide.

5. As per the contents of the complaint, the deceased-Bindu went to her maternal grandmother's house and there, a galata took place between the petitioner and another. The deceased-Bindu went to subside the galata. At that time, the petitioner abused the deceased-Bindu and aggrieved by the same, the deceased-Bindu approached an agricultural land and jumped into a well and committed suicide.

6. Learned counsel for the petitioner, during the course of his submissions, stated that even if the alleged acts are taken to be true, they do not fall within the ambit of Section 306 IPC.

7. Having considered the submissions made by both the parties, i.e., the learned counsel for the petitioner as well as the learned Additional Public Prosecutor and also considering the nature of the case, this Court is of the view that the request of the petitioner can be honoured, however conditionally.

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

- (i) The petitioner/accused is directed to surrender before the Court concerned 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 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 holds a passport, he is directed to surrender the same.
- (iii) The petitioner/accused should not involve in any unlawful activity.
- (iv) The petitioner/accused should afford all assistance for 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) The petitioner/accused should ensure his presence whenever required by the Court or Police.

(ix) The petitioner/accused shall not leave India without previous permission of the court concerned.

(x) The petitioner/accused shall report before the Station House Officer, Kesamudram Police Station, Mahabubabad District, on every Sunday and Thursday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(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 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

15.02.2023
DR