

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1320 of 2023

ORDER:

Heard Sri Gajanand Chakravarthy, learned counsel for the petitioners, 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 petitioners who are arrayed as accused Nos.2 and 3 in Crime No.1306 of 2022 of Medipally Police Station, Rachakonda Commissionerate.

3. The matrix of the case, as could be perceived through the contents of the complaint, is that the deceased-Bhavani was given in marriage with accused No.1. Accused No.1 after marriage, informed the deceased-Bhavani that he was not interested in marrying her. Thereafter, he started harassing her. Though the matter was informed to the petitioners, who are the parents of accused No.1, there was no change in the attitude of accused No.1. Finally, the deceased-Bhavani started staying at her parents' house. She was not taken back either by her in-laws i.e., the petitioners or by accused

No.1. Vexed with life, the deceased-Bhavani committed suicide by hanging.

Stating that the petitioners are not at fault, learned counsel for the petitioners submits that the petitioners never instigated the deceased-Bhavani to commit suicide nor harassed her demanding anything and further, accused No.1 was already arrested and was later enlarged on bail and therefore, the petitioners may be enlarged on bail.

The submission of the learned Additional Public Prosecutor is that the case is still under investigation. However, learned Additional Public Prosecutor submits that eleven (11) material witnesses were examined till now.

Thus, by the submissions made, it is clear that accused No.1 was already arrested and was later enlarged on bail and that material part of investigation is completed. Therefore, this Court is of the view that the request of the petitioners can be honoured, however conditionally.

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

- (i) The petitioners/accused Nos.2 and 3 are directed to surrender before the Court concerned

within ten (10) days. On such surrender, they shall be enlarged on bail on each of them executing a personal bond for Rs.30,000/- (Rupees Thirty 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 petitioners/accused Nos.2 and 3 hold passports, they are directed to surrender the same.

(iii) The petitioners/accused Nos.2 and 3 should not involve in any unlawful activity.

(iv) The petitioners/accused Nos.2 and 3 should afford all assistance for proper investigation of the case.

(v) The petitioners/accused Nos.2 and 3 should not cause the evidence of the offence disappear.

(vi) The petitioners/accused Nos.2 and 3 should not tamper with the evidence in any manner.

(vii) The petitioners/accused Nos.2 and 3 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 petitioners/accused Nos.2 and 3 should ensure their presence whenever required by the Court or Police.

(ix) The petitioners/accused Nos.2 and 3 shall not leave India without previous permission of the court concerned.

(x) The petitioners/accused Nos.2 and 3 shall report before the Station House Officer, Medipally Police Station, Rachakonda Commissionerate on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioners/accused Nos.2 and 3 shall file separate affidavits 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 petitioners shall intimate the court concerned by giving fresh separate affidavits duly mentioning the change. They 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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