

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2352 of 2023

ORDER:

1. Heard Ms.B.Sapna Reddy, learned counsel for the petitioner as well as the learned Additional Public Prosecutor who is representing the Respondent-State.

2. Seeking pre-arrest bail, the present Criminal Petition is filed under Section 438 Cr.P.C. on behalf of the petitioner, who is arrayed as Accused No.4 in Crime No.382 of 2022 of Saifabad Police Station.

3. Contending that the petitioner has not committed any offence, whatsoever, learned counsel for the petitioner submits that the petitioner neither abetted nor instigated the deceased-Sambaiah Goud and thus, the ingredients of Section 306 IPC does not attract to the case facts. Learned counsel further submits that Accused Nos.1 to 3 were arrested and were enlarged on bail and the entire investigation is also completed and therefore, anticipatory bail may be granted.

4. On the other hand, learned Additional Public Prosecutor contended that the deceased-Sambaiah Goud

made a suicide note wherein he clearly revealed the presence of civil disputes between him and the accused. Learned Additional Public Prosecutor also states that Fourteen (14) witnesses were examined till now.

5. A perusal of contents of Part-I Case Diary and the alleged suicide note reveals existence of civil disputes between the deceased Sambaiah Goud and the accused. Further, as per the version of the prosecution, as the accused did not allow the deceased-Sambaiah Goud to enjoy his property and as the deceased-Sambaiah Goud incurred huge debts which he could not clear, he committed suicide.

6. Having considered these aspects and as the material part of investigation is completed as submitted by the learned Additional Public Prosecutor, 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 No.4 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 No.4 shall report before the Station House Officer, Saifabad Police Station, on every Sunday and Thursday between 10.30 A.M. and 12:00 P.M. till filing of final report.
- (iii) The petitioner/Accused No.4 should not involve in any unlawful activity.
- (iv) The petitioner/Accused No.4 should afford all assistance for the proper investigation of the case.
- (v) The petitioner/Accused No.4 should not cause the evidence of the offence disappear.

- (vi) The petitioner/Accused No.4 should not tamper with the evidence in any manner.
- (vii) The petitioner/Accused No.4 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 No.4 holds a passport, he shall surrender the same.
- (ix) The petitioner/Accused No.4 should ensure his presence whenever required by the Court or Police.
- (x) The petitioner/Accused No.4 shall not leave India without previous permission of the Court concerned.
- (xi) The petitioner/Accused No.4 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:23.03.2023
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