

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1475 of 2023

ORDER:

Heard Sri P.Lakshma Reddy, learned counsel for the petitioners, as well as 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 petitioners, who are arrayed as accused Nos.1 and 2 in Crime No.172 of 2022 of Zahirabad Rural Police Station, Sanga Reddy District, on bail.

3. The matrix of the case, as could be perceived through the contents of the complaint, is that the son of the defacto complainant was sent to the house of the petitioners as *illatum* son-in-law. However, he was harassed and was not given due value. The son of the defacto complainant used to express displeasure over it and also expressed his intention to commit suicide. Ultimately, he committed suicide by hanging.

Stating that the petitioners have not committed the offence punishable under Section 306 IPC, learned counsel

for the petitioners submits that the petitioners never harassed the son of the defacto complainant and there is no instigation whatsoever. Learned counsel further submits that the petitioners are in judicial custody since 23.01.2023 and as the investigation is also completed, they may be enlarged on bail.

5. The submission of the learned Additional Public Prosecutor is that fifteen (15) 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. Therefore, this Court is of the view that the request of the petitioners can be honoured, however conditionally.

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

- (i) The petitioners/accused Nos.1 and 2 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.1 and 2 hold passport, they are directed to surrender the same, if they were not seized by now.

(iii) The petitioners/accused Nos.1 and 2 should not involve in any unlawful activity.

(iv) The petitioners/accused Nos.1 and 2 should afford all assistance for proper investigation of the case.

(v) The petitioners/accused Nos.1 and 2 should not cause the evidence of the offence disappear.

(vi) The petitioners/accused Nos.1 and 2 should not tamper with the evidence in any manner.

(vii) The petitioners/accused Nos.1 and 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 petitioners/accused Nos.1 and 2 should ensure their presence whenever required by the Court or Police.

(ix) The petitioners/accused Nos.1 and 2 shall not leave India without previous permission of the court concerned.

(x) The petitioners/accused Nos.1 and 2 shall report before the Station House Officer Zahirabad Rural Police Station, Sanga Reddy District, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioners/accused Nos.1 and 2 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 separate fresh 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

20.02.2023
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