

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1632 of 2023

ORDER:

1. This is an application filed under Section 438 Cr.P.C. on behalf of the petitioner, who is arrayed as Accused No.2 in Crime No.145 of 2022 of Shahabad Police Station, for grant of pre-arrest bail.

2. Heard Sri T.Chandra Shekar, learned counsel for the petitioner as well as the learned Additional Public Prosecutor who is representing the Respondent-State.

3. As per the contents of the complaint, the petitioner is the son of the first wife and the deceased-Anil is the son of the second wife. On the death of their father, there were disputes with regard to the house property. During those disputes, on the date of incident, the petitioner and others tried to attack the deceased-Anil. Aggrieved by the same, the deceased-Anil committed suicide by hanging.

4. Learned counsel for the petitioner states that the petitioner has not committed any offence and he did not abet or instigate the deceased-Anil to commit suicide and therefore, anticipatory bail may be granted.

5. The submission of the learned Additional Public Prosecutor on the other hand is that the case is still under investigation and four witnesses are examined till now.

6. On perusal of the contents of the complaint and having considered the submissions made by both sides, 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.2 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.2 shall report before the Station House Officer, Shahabad 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.2 should not involve in any unlawful activity.
- (iv) The petitioner/Accused No.2 should afford all assistance for the 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) In case the petitioner/Accused No.2 holds a passport, he shall surrender the same.
- (ix) The petitioner/Accused No.2 should ensure his presence whenever required by the Court or Police.
- (x) The petitioner/Accused No.2 shall not leave India without previous permission of the Court concerned.

(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 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:23.02.2023
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CRIMINAL PETITION No. 1632 of 2023

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ysk

CIVIL REVISION PETITION No.3578 of 2018

27.12.2021

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