

**HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA**

**CRIMINAL PETITION No.1648 of 2023**

**ORDER:**

1. Heard Sri V.Ravi Kiran Rao, learned Senior counsel who argued on behalf of Sri Sridhar Lonkala, learned counsel on record for the petitioner as well as the learned Additional Public Prosecutor who is representing the Respondent-State.

2. This Criminal Petition, under Section 439 Cr.P.C., is filed seeking the Court to enlarge the petitioner, who is arrayed as Accused No.1 in Crime No.178 of 2022 of Pochampally Police Station, on bail.

3. Stating that the petitioner has not committed any offence, whatsoever, learned counsel for the petitioner contends that the petitioner is not responsible for the death of his wife, Srilatha. Learned counsel also states that as per the contents of the complaint, the wife of the petitioner left her matrimonial home six months prior to her death and thereafter, committed suicide. Learned counsel also states that the petitioner and the deceased-Srilatha were blessed with two children. Those two children are residing with the petitioner. Learned counsel

further submits that the petitioner could not bear the deceased-Srilatha in view of her association with other male members and when questioned, the deceased-Srilatha left the petitioner and children and went away. Learned counsel also submits that the petitioner filed an O.P. vide O.P.No.1602 of 2022 which is pending before the Principal Family Court, Hyderabad, for custody of children and an Interlocutory order was given granting custody to the petitioner, who is the father of those children, having considered the activities of deceased-Srilatha and all these facts goes to show that the petitioner is not responsible for the death of his wife. Learned counsel further contends that the petitioner is in judicial custody since thirty seven (37) days and therefore, he may be enlarged on bail.

4. The submission of the learned Additional Public Prosecutor is that the petitioner and other accused moved an application for grant of anticipatory bail and anticipatory bail was granted in favour of other accused, but not for the petitioner and then, the petitioner surrendered before the concerned Court and was remanded to judicial custody. Learned Additional Public

Prosecutor also submits that ten witnesses are examined till now.

5. Thus, by the submissions made, it is clear that the petitioner is in judicial custody since more than a month and that the material part of investigation is completed. Therefore, this Court is of the view that the request of the petitioner can be honoured.

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

- (i) The petitioner/Accused No.1 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.1 should not involve in any unlawful activity.

- (iii) The petitioner/Accused No.1 should afford all assistance for the proper investigation of the case.
- (iv) The petitioner/Accused No.1 should not cause the evidence of the offence disappear.
- (v) The petitioner/Accused No.1 should not tamper with the evidence in any manner.
- (vi) The petitioner/Accused No.1 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.
- (vii) In case the petitioner/Accused No.1 holds a passport, he shall surrender the same if the same is not seized till now.
- (viii) The petitioner/Accused No.1 should ensure his presence whenever required by the Court or Police.
- (ix) The petitioner/Accused No.1 shall not leave India without previous permission of the court concerned.
- (x)The petitioner/Accused No.1 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.

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**Dr. JUSTICE CHILLAKUR SUMALATHA**

Date:23.02.2023  
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