

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1739 of 2023

ORDER:

1. 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.1 in Crime No.1185 of 2021 of Miyapur Police Station.
2. Heard Sri K.Srinivas, learned counsel who argued on behalf of Sri K.David Paul, learned counsel on record for the petitioner as well as the learned Additional Public Prosecutor who is representing the Respondent-State.
3. The matrix of the case as could be perceived through the contents of the complaint is that, the deceased-V.Srinivasa Rao committed suicide by hanging. Before death, he made a suicide note wherein he mentioned that the petitioner herein and two others are responsible for his death.
4. Contending that the petitioner is innocent, learned counsel submits that the deceased-V.Srininivasa Rao and the petitioner herein entered into an agreement and

executed a partnership deed for conducting business. Learned counsel states that as per the partnership deed, the deceased-V.Srinivasa Rao is empowered to operate the accounts. Learned counsel submits that taking advantage of the said power, the deceased-V.Srinivasa Rao committed serious frauds and the amount he got through the partnership firm was misused and he purchased properties in the name of his daughter. Learned counsel also states that civil suits were filed in that regard. Learned counsel also submits that as the deceased-V.Srinivasa Rao finally felt that he may not come out from the clutches of law, committed suicide. Learned counsel also submits that to protect the property being divested from his family members, he made a suicide note that the petitioner herein and others are the cause for his death.

5. The submission of the learned Additional Public Prosecutor is that the case is still under investigation and four material witnesses were examined till now.

6. In support of the submission made, learned counsel for the petitioner produced copies of relevant documents.

7. Thus, considering the nature of the allegations levelled and the plea taken by the petitioner, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

8. In the result, the Criminal Petition is allowed with the following conditions:

- (i) The petitioner/Accused No.1 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.1 shall report before the Station House Officer, Miyapur 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.1 should not involve in any unlawful activity.
- (iv) The petitioner/Accused No.1 should afford all assistance for the proper investigation of the case.
- (v) The petitioner/Accused No.1 should not cause the evidence of the offence disappear.
- (vi) The petitioner/Accused No.1 should not tamper with the evidence in any manner.
- (vii) 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.
- (viii) In case the petitioner/Accused No.1 holds a passport, he shall surrender the same.
- (ix) The petitioner/Accused No.1 should ensure his presence whenever required by the Court or Police.
- (x) The petitioner/Accused No.1 shall not leave India without previous permission of the Court concerned.

(xi) 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 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:03.03.2023
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