

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1840 of 2023

ORDER:

Heard Sri Ramesh Bura, learned counsel for the petitioners, as well as 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 petitioners, who are arrayed as accused Nos.1 and 2 in Crime No.15 of 2023 of Mulugu Police Station, Siddipet District.

3. Stating that the petitioners are innocent, learned counsel for the petitioners states that the petitioners are not responsible for the death of the husband of petitioner No.1. Learned counsel also states that petitioner No.1 was with her mother during her pregnancy and she delivered a baby and the said baby passed away. Learned counsel submits that police are trying to apprehend the petitioners and therefore, anticipatory bail may be granted.

4. Learned Additional Public Prosecutor, on the other hand, states that a suicide note was recovered, which goes to show that as petitioner No.1 has taken away the relevant

documents with regard to Ac.0.10 guntas of land of the deceased-Jaya Prakash, who is the husband of petitioner No.1, he committed suicide. Learned Additional Public Prosecutor further submits that the case is still under investigation.

5. Relevant material is on record to show that petitioner No.1 delivered a child on 15.12.2022 and the said child lost his life on the very next day. The need or necessity to arrest the petitioners is not stated in specific terms by the learned Additional Public Prosecutor.

6. However, taking into consideration the fact that the investigation is still pending, as submitted by the learned Additional Public Prosecutor, this court considers it desirable to honour the request of the petitioners, however conditionally.

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

- (i) The petitioners/accused Nos.1 and 2 are directed to surrender before the Court concerned within ten (10) days. On such surrender, they 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 passports, they are directed to surrender the same.

(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, Mulugu Police Station, Siddipet 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 fresh separate

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

01.3.2023
DR