

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2028 of 2023

ORDER:

Heard Sri L.Prasad Rao, learned counsel, who argued on behalf of Sri L.Venkateshwar Rao, learned counsel on record for the petitioner, as well as the learned Additional Public Prosecutor who is representing the respondent-State.

2. Claiming bail, the present Criminal Petition is filed under Section 439 Cr.P.C. on behalf of the petitioner, who is arrayed as accused No.1 in Crime No.62 of 2023 of KPHB Colony Police Station, Cyberabad.

3. Submitting that the petitioner, who is the husband of the deceased-Swathi, has not committed any offences whatsoever, learned counsel for the petitioner contends that the petitioner and the deceased-Swathi were living happily and they gave birth to a child. Learned counsel submits that the said child was suffering from mental ill-health and therefore, both were taking good care of the said child. The petitioner took *Ayyappaswamy Deeksha* and left to Sabarimala on 11.01.2023 and while he was at Sabarimala, he received information that his wife committed suicide and

therefore, he rushed back to Hyderabad and he was arrested by Police on 19.01.2023 and since then, he is in judicial custody. Learned counsel submits that the entire investigation is also completed and as the petitioner is innocent and as he has not committed any offences attracting Sections 498-A and 306 IPC and further, as he is in judicial custody for the past 54 days, he may be enlarged on bail.

4. The submission of the learned Additional Public Prosecutor, on the other hand, is that the petitioner and his family members harassed the deceased-Swathi and subjected her to cruelty and therefore, she committed suicide. Learned Additional Public Prosecutor also states that twelve (12) witnesses were examined till now.

5. Gone through the material available on record including the complaint and the Remand Report. By the submission made by the learned Additional Public Prosecutor, it is clear that the material part of investigation is completed. By the submission of the learned counsel for the petitioner, it is also clear that the petitioner is in judicial custody since 54 days.

6. Having regard to the nature of the allegations levelled, the fact of completion of the material part of investigation and

that the petitioner is in judicial custody since more than 1 ½ months, this Court is of the view that the request of the petitioner can be honoured, however conditionally.

7. Resultantly, this 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 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 petitioner/accused No.1 holds a passport, he is directed to surrender the same, if it is not seized by now.
- (iii) The petitioner/accused No.1 should not involve in any unlawful activity.
- (iv) The petitioner/accused No.1 should afford all assistance for 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) 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 report before the Station House Officer, KPHB Colony Police Station, Cyberabad, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(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 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.

Dr. JUSTICE CHILLAKUR SUMALATHA

14.3.2023
dr