

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2134 of 2023

ORDER:

1. Heard Sri P.Giri Krishna, learned counsel 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.8 of 2023 of Rudrangi Police Station, Rajanna Sircilla District, on bail.

3. Stating that the petitioner is innocent, learned counsel for the petitioner contends that the alleged victim woman is the wife of the petitioner and the defacto complainant is his brother-in-law. Learned counsel also states that the victim woman though consumed poison, as per the version of the prosecution, did not die and therefore, the ingredients of Section 306 IPC does not attract. Learned counsel further submits that the petitioner was arrested and remanded to judicial custody on 06.02.2023 and therefore, he is in judicial custody since more than one month. Learned counsel, by submitting thus, seeks to enlarge the petitioner on bail.

4. On the other hand, the submission of the learned Additional Public Prosecutor is that the petitioner harassed the sister of the defacto complainant in different ways demanding additional dowry and the victim woman, who could not bear such harassment, ultimately consumed pesticide poison. Learned Additional Public Prosecutor did not deny the fact that the victim woman is alive. Learned Additional Public Prosecutor states that nine witnesses are examined till now.

5. A perusal of the contents of the complaint as well as Remand Report goes to show that a case was registered against the petitioner for the offence punishable under Section 306 read with 511 IPC. As per the submission of the learned Additional Public Prosecutor, material part of investigation is completed. Also, there is no denial that the petitioner is in judicial custody since one month.

6. Therefore, this Court considers desirable to honour the request of the petitioner, however, conditionally.

7. 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.30,000/- (Rupees Thirty 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, Rudrangi Police Station, on every Monday between 10.30 AM and 12.00 PM 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 if the same is not seized till now.
- (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 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

Date:09.03.2023
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