

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2285 of 2023

ORDER:

1. Heard Smt.Sangeetha, learned counsel who argued on behalf of Sri K.Sravan Kumar, learned counsel on record for the petitioners as well as the learned Additional Public Prosecutor who is representing Respondent Nos.1 & 2.

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 to 3 in Crime No.35 of 2023 of Godavarikhani II Town Police Station, Peddapalli District.

3. Stating that the petitioners are not responsible for the death of the husband of the *defacto* complainant, learned counsel for the petitioners contends that a false complaint is given by the *defacto* complainant that the petitioners are responsible for the death of the deceased-Venkateswarlu and such complaint is given only to evade payment of debt.

4. The submission of the learned Additional Public Prosecutor, on the other hand, is that the deceased-Venkateswarlu had made a suicide note before hanging

himself and that the case is under investigation. Learned Additional Public Prosecutor also submits that petitioner No.1 i.e., Accused No.1, was arrested on 04.03.2023 and was remanded to judicial custody.

5. The contents of the material available on record, more particularly the complaint, goes to show that the husband of the *defacto* complainant borrowed certain amount from the petitioners herein and the petitioners were pressurizing the husband of the *defacto* complainant to clear off the debts. On one day, the husband of the *defacto* complainant ultimately died by hanging.

6. As per the submission of the learned Additional Public Prosecutor, sixteen (16) witnesses were examined till now which goes to show that the material part of investigation is completed.

7. Having perceived the said fact and also the nature of the case, this Court is of the view that the request of the Petitioner Nos.2 & 3 can be honoured, however, conditionally.

8. In the result, the Criminal Petition, so far as Petitioner Nos.2 & 3 are concerned, is allowed with the following conditions:

- (i) The petitioners/Accused Nos.2 & 3 are directed to surrender before the concerned Court within ten (10) days. On such surrender, they shall be enlarged on bail on their executing a personal bond for Rs.30,000/- (Rupees Thirty Thousand only) each 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 petitioners/Accused Nos.2 & 3 shall report before the Station House Officer, Godavarikhani II Town Police Station, on every Monday between 10.30 A.M. and 12:00 P.M. till filing of final report.
- (iii) The petitioners/Accused Nos.2 & 3 should not involve in any unlawful activity.
- (iv) The petitioners/Accused Nos.2 & 3 should afford all assistance for the proper investigation of the case.

- (v) The petitioners/Accused Nos.2 & 3 should not cause the evidence of the offence disappear.
- (vi) The petitioners/Accused Nos.2 & 3 should not tamper with the evidence in any manner.
- (vii) The petitioners/Accused Nos.2 & 3 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 petitioners/Accused Nos.2 & 3 hold a passport, they shall surrender the same.
- (ix) The petitioners/Accused Nos.2 & 3 should ensure their presence whenever required by the Court or Police.
- (x) The petitioners/Accused Nos.2 & 3 shall not leave India without previous permission of the Court concerned.
- (xi) The petitioners/Accused Nos.2 & 3 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 petitioners shall intimate the court concerned by giving fresh 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 pre-arrest bail granted.

9. The Criminal Petition, so far as Petitioner No.1/Accused No.1 is concerned, stands dismissed.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date:13.03.2023
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