

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2344 of 2023

ORDER:

1. Heard Sri Suman, learned counsel who is representing Sri N.Ravi, learned counsel on record for the petitioner as well as the learned Additional Public Prosecutor who is representing Respondent-State.

2. This Criminal Petition, under Section 438 Cr.P.C., is filed seeking anticipatory bail in favour of the petitioner, who is arrayed as Accused No.2 in Crime No.276 of 2022 of Kosgi Police Station, Narayanpet District.

3. The facts of the case in nutshell as could be perceived through the contents of the complaint are that the deceased-Chennamma gave complaint against Accused No.1 stating that he is responsible for her pregnancy. Thereafter, she gave birth to a child. The criminal case levelled against Accused No.1, ended in acquittal. Thereafter, Accused No.1 and the petitioner herein, who is the wife of Accused No.1, proclaiming that they won the case, started abusing the deceased-Chennamma. The deceased-Chennamma, who could not bear such a humiliation, finally committed suicide

by taking poison. Stating that the petitioner is innocent and that Accused No.1 was already arrested and was enlarged on bail and therefore anticipatory bail may be granted, learned counsel for the petitioner submits that the petitioner never instigated the deceased-Chennamma to commit suicide.

4. The submission of the learned Additional Public Prosecutor on the other hand is that eleven (11) witnesses were examined till now, but the investigation is still pending.

5. Having heard the submissions made thus and perceiving the fact of completion of material part of investigation, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

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

- (i) The petitioner/Accused No.2 is directed to surrender before the concerned Court within ten (10) days. On such surrender, she shall be enlarged on bail on her 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.2 shall report before the Station House Officer, Kosgi 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.2 should not involve in any unlawful activity.
- (iv) The petitioner/Accused No.2 should afford all assistance for the proper investigation of the case.
- (v) The petitioner/Accused No.2 should not cause the evidence of the offence disappear.
- (vi) The petitioner/Accused No.2 should not tamper with the evidence in any manner.
- (vii) The petitioner/Accused No.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) In case the petitioner/Accused No.2 holds a passport, she shall surrender the same.

- (ix) The petitioner/Accused No.2 should ensure his presence whenever required by the Court or Police.
- (x) The petitioner/Accused No.2 shall not leave India without previous permission of the Court concerned.
- (xi) The petitioner/Accused No.2 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 fresh affidavit duly mentioning the change. She 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:16.03.2023
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