

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2410 of 2023

ORDER:

1. Heard Sri K.Krishna Kalayan, learned counsel who argued on behalf of Sri K.Venu Madhav, learned counsel on record for the petitioners as well as the 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 & 2 in Crime No.301 of 2022 of Kandukur Police Station.
3. Making his submission, learned counsel for the petitioners contends that initially, a case was registered under Section 174 Cr.P.C., but the section of law was subsequently altered and the petitioners were arrayed as Accused. Learned counsel states that the 1st petitioner is the wife of the deceased-Jagadish and the 2nd petitioner is the brother of the 1st petitioner. Learned counsel states

that the petitioners did not commit any offences whatsoever and therefore, pre-arrest bail may be granted.

4. The submission of the learned Additional Public Prosecutor, on the other hand, is that the 1st petitioner suspected the character of her husband i.e., the deceased-Jagadish and therefore, he committed suicide. Learned Additional Public Prosecutor also states that three witnesses were examined till now.

5. Gone through the contents of the material available on record, including copy of the suicide note alleged to have been written by the deceased-Jagadish.

6. Having considered the nature of the case and the facts and circumstances projected, more particularly absence of any grave allegations against the petitioners, this Court is of the view that the request of the petitioners can be honoured, however, conditionally.

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

- (i) The petitioners/Accused Nos.1 & 2 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.1 & 2 shall report before the Station House Officer, Kandukur 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.1 & 2 should not involve in any unlawful activity.
- (iv) The petitioners/Accused Nos.1 & 2 should afford all assistance for the proper investigation of the case.
- (v) The petitioners/Accused Nos.1 & 2 should not cause the evidence of the offence disappear.
- (vi) The petitioners/Accused Nos.1 & 2 should not tamper with the evidence in any manner.

- (vii) The petitioners/Accused Nos.1 & 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 petitioners/Accused Nos.1 & 2 hold a passport, they shall surrender the same.
- (ix) The petitioners/Accused Nos.1 & 2 should ensure their presence whenever required by the Court or Police.
- (x) The petitioners/Accused Nos.1 & 2 shall not leave India without previous permission of the Court concerned.
- (xi) The petitioners/Accused Nos.1 & 2 shall file affidavits 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.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date:21.03.2023
ysk

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2410 of 2023

Date:21.03.2023

ysk