

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2507 of 2023

ORDER:

1. Heard Sri D.Y.N.L.N.Charyulu, 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.24 of 2023 of Narayanaguda Police Station, Hyderabad, on bail.

3. The allegation that is levelled against the petitioner is that he harassed his wife mentally and physically and due to the said harassment, his wife committed suicide and the petitioner, thereby, committed an offence punishable under Section 304B IPC.

4. Stating that the wife of the petitioner was suffering from Psychiatry related problem and she was taking treatment, learned counsel for the petitioner submits that the petitioner was arrested on 27.01.2023 and was remanded to judicial custody and since then, he is in judicial custody. Learned counsel also states that the in-

laws of the petitioner gave complaint to Police with false allegations against all the family members of the petitioner. Learned counsel further submits that as the entire investigation is completed, he may be enlarged on bail.

5. The submission of the learned Additional Public Prosecutor is that Fifteen (15) witnesses were examined till now, but the investigation could not be concluded as the statements of the in-laws of the petitioner are yet to be recorded under Section 164 Cr.P.C.

6. By the submissions thus made, it is clear that the petitioner is in judicial custody since more than forty five (45) days and that the material part of investigation is completed. The requirement of keeping the petitioner in judicial custody for a further period is not found. Therefore, this Court is of the view that the request of the petitioner can be honoured, 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.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.1 shall report before the Station House Officer, Narayanaguda Police Station, Hyderabad, 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.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:20.03.2023

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