

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2679 of 2023

ORDER:

Heard Sri J.Abhishek, learned counsel, who argued on behalf of Sri Boosa Shiva Chandra, learned counsel on record for the petitioners, as well as learned Additional Public Prosecutor who is representing the respondents-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 to 3 in Crime No.81 of 2023 of Geesgonda Police Station, Warangal District.

3. The facts of the case in brief, as could be perceived through the contents of the complaint, are that the son of the defacto complainant by name Vamsi Krishna was secured by Police personnel by making a phone call to him on the ground that the petitioners gave a complaint against him. At Police Station, some of the Police personnel pressurized the son of the defacto complainant i.e., Vamsi Krishna to confess the commission of theft. The harassment continued for five days. The son of the defacto complainant used to feel bad regarding the conduct of the Police and also that the family

members of his friend laid false allegations against him. Subsequently, i.e., on 06.3.2023, he consumed pesticide poison and fell within the premises of the Police Station. He was shifted to hospital, but he did not survive.

4. Stating that the petitioners are innocent, learned counsel for the petitioners submits that to escape from the eyes of print and electronic media, Police foisted a false case against the petitioners and indeed, the petitioners are not responsible for the death of the deceased-Vamsi Krishna. Learned counsel also submits that the petitioners have not committed the offence falling within the ambit of Section 306 IPC, even as per the version of the prosecution, and therefore, anticipatory bail may be granted.

5. The submission of the learned Additional Public Prosecutor is that as the petitioners gave complaint that they lost their gold ornaments, a case was registered and when the deceased-Vamsi Krishna was interrogated, he committed suicide. Learned Additional Public Prosecutor also states that six (6) witnesses were examined till now.

6. As of now, there is no incriminating material to show that the petitioners have instigated the deceased-Vamsi

Krishna to commit suicide. However, as the case, as submitted by the learned Additional Public Prosecutor, is still under investigation, no conclusion can be arrived at regarding the guilt of the petitioners. Further, as the material part of investigation is completed, this Court is of the view that that the request of the petitioners can be honoured, however, conditionally.

7. Resultantly, this Criminal Petition is allowed with the following conditions:

- (i) The petitioners/accused Nos.1 to 3 are directed to surrender before the Court concerned within ten (10) days. On such surrender, they shall be enlarged on bail on each of them executing a personal bond for Rs.30,000/- (Rupees Thirty thousand only) with two sureties for the 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) In case, the petitioners/accused Nos.1 to 3 hold passports, they are directed to surrender the same.

(iii) The petitioners/accused Nos.1 to 3 should not involve in any unlawful activity.

(iv) The petitioners/accused Nos.1 to 3 should afford all assistance for proper investigation of the case.

(v) The petitioners/accused Nos.1 to 3 should not cause the evidence of the offence disappear.

(vi) The petitioners/accused Nos.1 to 3 should not tamper with the evidence in any manner.

(vii) The petitioners/accused Nos.1 to 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) The petitioners/accused Nos.1 to 3 should ensure their presence whenever required by the Court or Police.

(ix) The petitioners/accused Nos.1 to 3 shall not leave India without previous permission of the court concerned.

(x) The petitioners/accused Nos.1 to 3 shall file separate affidavits 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 petitioners shall intimate the court concerned by giving fresh separate 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 bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

23.3.2023
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