

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3241 of 2023

ORDER:

1. Heard Sri Mohammed Muzafeer Ullah Khan, learned counsel for the petitioners as well as the learned Additional Public Prosecutor who is representing the Respondent-State.
2. Seeking post-arrest bail, the present Criminal Petition is filed under Section 439 Cr.P.C. on behalf of the petitioners, who are arrayed as Accused Nos.3 & 5 in Crime No.43 of 2023 of Santoshnagar Police Station.
3. Making his submission, learned counsel for the petitioners states that the 1st petitioner is the sister of Accused No.1. The 2nd petitioner is the husband of the 1st petitioner. Learned counsel submits that due to trivial issues, the wife of Accused No.1 consumed poison and died and the petitioners, therefore, are not responsible for the death of the wife of Accused No.1. Learned counsel also states that the petitioners were arrested on 23.02.2023 and since then, they are in judicial custody and as the entire investigation is also completed, they may be enlarged on bail.

4. The submission of the learned Additional Public Prosecutor, on the other hand, is that the petitioners instigated Accused No.1 to get the plot, which was given to his wife, registered in his name and they also instigated Accused No.1 to get additional dowry from his wife. Learned Additional Public Prosecutor further submits that thirteen (13) witnesses were examined till now.

5. The case facts in nutshell as could be perceived through the contents of Part-I Case Diary are that the marriage of the deceased-Asiya Begum was solemnized with Accused No.1. The parents of the deceased-Asiya Begum gave an open plot admeasuring 100 Square yards. All the accused forced the deceased-Asiya Begum to register the said plot in favour of Accused No.1. they also harassed the deceased for additional dowry. Vexed with life, therefore, she committed suicide by taking excess dosage of medicines.

6. By the submissions made, it is clear that the petitioners are in judicial custody since more than forty five (45) days. Also, it is clear that the material part of investigation is completed.

7. Having considered these factors, this Court is of the view that the request of the petitioners can be honoured, however, conditionally.

8. Resultantly, the Criminal Petition is allowed with the following conditions:-

- (i) The petitioners/Accused Nos.3 & 5 shall be enlarged on bail on their executing a personal bond for Rs.50,000/- (Rupees Fifty 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.3 & 5 shall report before the Station House Officer, Santoshnagar 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.3 & 5 should not involve in any unlawful activity.
- (iv) The petitioners/Accused Nos.3 & 5 should afford all assistance for proper investigation of the case.

- (v) The petitioners/Accused Nos.3 & 5 should not cause the evidence of the offence disappear.
- (vi) The petitioners/Accused Nos.3 & 5 should not tamper with the evidence in any manner.
- (vii) The petitioners/Accused Nos.3 & 5 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.3 & 5 hold a passport, they shall surrender the same if the same is not seized till now.
- (ix) The petitioners/Accused Nos.3 & 5 should ensure their presence whenever required by the Court or Police.
- (x) The petitioners/Accused Nos.3 & 5 shall not leave India without previous permission of the Court concerned.
- (xi) The petitioners/Accused Nos.3 & 5 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 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 bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date:18.04.2023

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HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No. 3241 of 2023

Date:18.04.2023

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