

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3333 of 2023

ORDER:

Heard Sri K.Sankaraiah, learned counsel for the petitioner, as well as 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 petitioner, who is arrayed as accused No.4 in Crime No.266 of 2023 of Miyapur Police Station, Cyberabad.

3. The allegation against the petitioner is that he committed an offence, along with accused, punishable under Section 306 IPC.

4. The matrix of the case, as could be perceived through the contents of the complaint, is that the defacto complainant is the wife of the deceased-Prashanth. On 06.3.2023, the deceased-Prashanth went out of the house at 3.00 pm and at about 5.00 pm., the defacto complainant approached the ground floor of the house where the room of her mother-in-law is there and noticed the deceased-Prashanth present in the said room and conversing with his sister through video

call. The defacto complainant approached the said room after some time and found the room bolted from inside. As the door was not opened for long time, the door was opened by force and the deceased-Prashanth was found hanging.

5. Making his submission, learned counsel for the petitioner contends that the petitioner is the maternal uncle of the deceased-Prashanth and he only requested the deceased-Prashanth to give some amount towards the maintenance of his mother, who is none other than the sister of the petitioner, and except that, the petitioner never involved in the family affairs. Learned counsel submits that the petitioner is not responsible for the death of the deceased-Prashanth and even the complaint does not disclose any such instigation for the deceased-Prashanth to commit suicide. Learned counsel thereby seeks for anticipatory bail.

6. The submission of the learned Additional Public Prosecutor, on the other hand, is that the prime accused were arrested and were enlarged on bail and nine witnesses were examined till now.

7. Having considered the submissions thus made, more particularly, 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.

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

(i) The petitioner/accused No.4 is directed to surrender before the Court concerned within ten (10) days. On such surrender, he shall be enlarged on bail on his 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 petitioner/accused No.4 holds a passport, he is directed to surrender the same.

(iii) The petitioner/accused No.4 should not involve in any unlawful activity.

- (iv) The petitioner/accused No.4 should afford all assistance for proper investigation of the case.
- (v) The petitioner/accused No.4 should not cause the evidence of the offence disappear.
- (vi) The petitioner/accused No.4 should not tamper with the evidence in any manner.
- (vii) The petitioner/accused No.4 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 petitioner/accused No.4 should ensure his presence whenever required by the Court or Police.
- (ix) The petitioner/accused No.4 shall not leave India without previous permission of the court concerned.
- (x) The petitioner/accused No.4 shall report before the Station House Officer, Miyapur Police Station, Cyberabad, on every Sunday and Thursday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioner/accused No.4 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

13.4.2023
DR