

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3374 of 2023

ORDER:

Heard Sri M.A.Mujeeb, learned counsel for the petitioners, as well as learned Additional Public Prosecutor who is representing the respondent-State.

2. Invoking Section 439 Cr.P.C., this Criminal Petition is filed seeking the Court to enlarge the petitioners, who are arrayed as accused Nos.1 and 2 in Crime No.112 of 2023 of Choutuppal Police Station, on bail.

3. The facts of the case, as could be perceived through the contents of the complaint, if narrated in a narrower compass, are that the marriage between petitioner No.1 and the deceased-Sameera Begum was performed in the year 2009 and they were blessed with three children. However, petitioner No.1 being the husband of the deceased-Sameera Begum and petitioner No.2 being the mother-in-law of the deceased-Sameera Begum used to harass her in different ways, both physically and mentally. They also demanded additional dowry. Finally, the deceased-Sameera Begum on 27.02.2023 committed suicide by hanging.

4. Learned counsel for the petitioners submits that no complaint was lodged either by the deceased-Sameera Begum or by the defacto complainant or any other persons regarding the alleged harassment by the petitioners till the date of death of the deceased-Sameera Begum and indeed, a false complaint is given to Police. Learned counsel also states that the petitioners were arrested on 27.02.2023 and since 42 days they are in judicial custody. Learned counsel also submits that as the entire investigation is also completed, the petitioners may be enlarged on bail.

5. The submission of the learned Additional Public Prosecutor, on the other hand, is that the case is still under investigation and 14 witnesses were examined till now.

6. The contents of the complaint goes to show various allegations attracting the applicability of Section 498-A IPC. So far as the applicability of Section 306 IPC is concerned, as the case is still under investigation, at least *prima facie* opinion in that regard cannot be given. However, by the submissions made, it is clear that the petitioners are in judicial custody since 42 days and that the material part of investigation is completed.

7. Having perceived the above facts, this Court is of the view that the request of the petitioners can be honoured, however conditionally.

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

(i) The petitioners/accused Nos.1 and 2 shall be enlarged on bail on each of them executing a personal bond for Rs.50,000/- (Rupees Fifty 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 and 2 hold passport, they are directed to surrender the same, if they were not seized by now.

(iii) The petitioners/accused Nos.1 and 2 should not involve in any unlawful activity.

- (iv) The petitioners/accused Nos.1 and 2 should afford all assistance for proper investigation of the case.
- (v) The petitioners/accused Nos.1 and 2 should not cause the evidence of the offence disappear.
- (vi) The petitioners/accused Nos.1 and 2 should not tamper with the evidence in any manner.
- (vii) The petitioners/accused Nos.1 and 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) The petitioners/accused Nos.1 and 2 should ensure their presence whenever required by the Court or Police.
- (ix) The petitioners/accused Nos.1 and 2 shall not leave India without previous permission of the court concerned.
- (x) The petitioners/accused Nos.1 and 2 shall report before the Station House Officer, Choutuppal Police Station, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioners/accused Nos.1 and 2 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 separate 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

12.4.2023
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