

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3545 of 2023

ORDER:

1. Heard Sri Koushik, learned counsel who argued on behalf of Sri K.David Paul, learned counsel on record for the petitioners as well as the learned Additional Public Prosecutor who is representing the Respondent-State.

2. Seeking the Court to enlarge the petitioners who are arrayed as Accused Nos.2 & 3 in Crime No.238 of 2023 of Miyapur Police Station, on bail, the present Criminal Petition is filed.

3. The case facts in brief as could be perceived through Part-I Case Diary are that the marriage of the deceased-Hemalatha was performed with Accused No.1 in the month of May 2022. Subsequently, Accused No.1 and the deceased-Hemalatha shifted their residence to Miyapur and were residing there. However, all the accused harassed the deceased-Hemalatha demanding additional dowry. Due to such demand, the deceased-Hemalatha died by hanging.

4. Making his submission, learned counsel for the petitioners states that the petitioners, who are the parents of Accused No.1, did not involve in the family affairs of Accused No.1 and his wife. Learned counsel also submits that the petitioners were arrested on 01.03.2023 and thus, since fifty days, they are in judicial custody. Learned counsel also submits that as the entire investigation is completed, they may be enlarged on bail.

5. The submission of the learned Additional Public Prosecutor, on the other hand, is that as the petitioners, along with other accused, harassed the deceased-Hemalatha demanding additional dowry, she committed suicide. Learned Additional Public Prosecutor also states that thirteen (13) witnesses were examined till now.

6. Thus, by the submissions made, it is clear that the petitioners are in judicial custody since '50' days and 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.

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

- (i) The petitioners/Accused Nos.2 & 3 shall be enlarged on bail on their executing a personal bond for Rs.40,000/- (Rupees Forty 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.2 & 3 shall report before the Station House Officer, Miyapur Police Station, on every Sunday and Thursday between 10.30 A.M and 12.00 P.M till filing of final report.
- (iii) The petitioners/Accused Nos.2 & 3 should not involve in any unlawful activity.
- (iv) The petitioners/Accused Nos.2 & 3 should afford all assistance for proper investigation of the case.

(v) The petitioners/Accused Nos.2 & 3 should not cause the evidence of the offence to disappear.

(vi) The petitioners/Accused Nos.2 & 3 should not tamper with the evidence in any manner.

(vii) The petitioners/Accused Nos.2 & 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) In case the petitioners/Accused Nos.2 & 3 hold passport, they shall surrender the same if the same is not seized till now.

(ix) The petitioners/Accused Nos.2 & 3 should ensure their presence whenever required by the Court or Police.

(x) The petitioners/Accused Nos.2 & 3 shall not leave India without previous permission of the Court concerned.

(xi) The petitioners/Accused Nos.2 & 3 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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