

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3624 of 2023

ORDER:

1. Heard Sri S.Surender Reddy, learned counsel for the petitioners as well as the 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 petitioners, who are arrayed as Accused Nos.1 & 2 in Crime No.327 of 2022 of Jagtial Rural Police Station, Jagtial District.

3. The facts of the case in brief as could be perceived through the contents of the complaint and the alteration memo are that there were ill-feelings between the petitioners and the husband of the *de facto* complainant. On the date of incident, the petitioners beat the husband of the *de facto* complainant. Felt insulted, the husband of the *de facto* complainant committed suicide by hanging.

4. Making his submission that the case will not fall within the ambit of Section 306 IPC, learned counsel for the petitioners states that the petitioners have not committed any offence whatsoever. Learned counsel also submits that no

incriminating material was collected by the Investigating Agency till now against the petitioners and the reasons for the husband of the *de facto* complainant committing suicide are not known and therefore, anticipatory bail may be granted.

5. The submission of the learned Additional Public Prosecutor, on the other hand, is that the case is still under investigation and nine (9) witnesses were examined till now.

6. Having considered the case facts, but without expressing any opinion in certain about the applicability of Section 306 IPC, this Court is of the view that taking into consideration the fact of completion of material part of investigation, the request of the petitioners can be honoured, however, conditionally.

7. In the result, the Criminal Petition is allowed with the following conditions:

- (i) The petitioners/Accused Nos.1 & 2 are directed to surrender before the concerned Court within ten (10) days. On such surrender, they 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.1 & 2 shall report before the Station House Officer, Jagtial Rural Police Station, Jagtial District, on every Sunday, Tuesday and Thursday between 10.30 A.M. and 12:00 P.M. till filing of final report.
- (iii) The petitioners/Accused Nos.1 & 2 should not involve in any unlawful activity.
- (iv) The petitioners/Accused Nos.1 & 2 should afford all assistance for proper investigation of the case.
- (v) The petitioners/Accused Nos.1 & 2 should not cause the evidence of the offence disappear.
- (vi) The petitioners/Accused Nos.1 & 2 should not tamper with the evidence in any manner.
- (vii) The petitioners/Accused Nos.1 & 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) In case the petitioners/Accused Nos.1 & 2 hold a passport, they shall surrender the same.
- (ix) The petitioners/Accused Nos.1 & 2 should ensure their presence whenever required by the Court or Police.
- (x) The petitioners/Accused Nos.1 & 2 shall not leave India without previous permission of the Court concerned.
- (xi) The petitioners/Accused Nos.1 & 2 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 of 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 pre-arrest bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date:20.04.2023

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