

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3741 of 2023

ORDER:

1. Heard Sri Akkam Eshwar, learned counsel 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.7 of 2023 of Mulakalapally Police Station, Bhadradi Kothagudem District, on bail, the present Criminal Petition is filed under Section 439 Cr.P.C.

3. Making his submission that the petitioners are innocent, learned counsel for the petitioners contends that the petitioners are parents of Accused No.1. Learned counsel submits that Accused No.1 fell in love with the deceased-Ramya (hereinafter be referred as 'the deceased' for brevity) and they both got married and thus, the petitioners have nothing to do with the family affairs of Accused No.1 and the deceased-Ramya. Learned counsel also states that the investigation is completed and the petitioners are in judicial custody since 13.03.2023 and therefore, they may be enlarged on bail.

4. The submission of the learned Additional Public Prosecutor is that on completion of investigation, charge sheet is laid.

5. The case of the prosecution, as per the contents of the charge sheet, is that the deceased-Ramya and Accused No.1 fell in love and their marriage was performed. They were blessed with a baby. However, Accused No.1 was harassing the deceased-Ramya physically and mentally to bring dowry and the petitioners supported Accused No.1. They also harassed the deceased-Ramya. On 12.01.2023, the deceased-Ramya informed her mother that Accused No.1 beat her indiscriminately and due to unbearable torture, she consumed pesticide poison. Immediately, the mother of the deceased shifted the deceased-Ramya to Hospital, however, she died while taking treatment. The fact that the petitioners are in judicial custody since more than forty (40) days is not in dispute. The submission of the learned Additional Public prosecutor, as earlier stated, is that on completion of investigation, charge sheet is laid.

6. Having considered all these facts, 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.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.2 & 3 should not involve in any unlawful activity.
- (iii) The petitioners/Accused Nos.2 & 3 should not cause the evidence of the offence disappear.
- (iv) The petitioners/Accused Nos.2 & 3 should not tamper with the evidence in any manner.

- (v) 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.
- (vi) In case the petitioners/Accused Nos.2 & 3 hold a passport, they shall surrender the same if the same is not seized till now.
- (vii) The petitioners/Accused Nos.2 & 3 should ensure their presence whenever required by the Court or Police.
- (viii) The petitioners/Accused Nos.2 & 3 shall not leave India without previous permission of the Court concerned.
- (ix) 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.

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:24.04.2023

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