

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3757 of 2023

ORDER:

1. Heard Sri G.U.R.C.Prasad, learned counsel for the petitioners as well as the learned Additional Public Prosecutor who is representing Respondent-State.

2. Seeking the Court to enlarge the petitioners, who are arrayed as Accused Nos.1 to 4 & 8 in Crime No.33 of 2023 of Narayanpet Police Station, Narayanpet District, on bail, the present Criminal Petition is filed under Section 439 Cr.P.C.

3. The matrix of the case as could be perceived through the contents of the charge sheet is that the petitioners and other accused are the neighbours of one Jaipal. The *de facto* complainant was engaged by the said Jaipal to fill the basement with soil. On the date of incident while the *de facto* complainant was putting some stones on the basement, the petitioners and other accused went there and entered into argument with the *de facto* complainant as to why he is putting stones. The deceased-Kistappa, who is the maternal uncle of the *de facto* complainant, went there and questioned the accused. On that, all the

accused picked up quarrel with the deceased-Kistappa and beat him with hands, due to which he fell on the ground. He was immediately shifted to Hospital, but the Doctor, who examined him, declared him as dead.

4. Making his submission that the petitioners have not committed any offence falling within the ambit of Section 304-II IPC, learned counsel for the petitioners states that indeed, the petitioners questioned the *de facto* complainant as to why he is putting stones endangering the children. Learned counsel states that the deceased-Kistappa, who came to that place, started arguing with the petitioners and during the course of arguing, he fell from a pail, could not withstand and thereby lost his life and thus, the petitioners are not responsible. Learned counsel also submits that the petitioners were arrested on 13.02.2023 and were remanded to judicial custody and since then, they are in judicial custody.

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

6. Thus, taking into consideration the submissions made by both sides, the nature of the case and the fact that the investigation is completed, 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.1 to 4 & 8 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 to 4 & 8 should not involve in any unlawful activity.
- (iii) The petitioners/Accused Nos.1 to 4 & 8 should not cause the evidence of the offence disappear.

- (iv) The petitioners/Accused Nos.1 to 4 & 8 should not tamper with the evidence in any manner.
- (v) The petitioners/Accused Nos.1 to 4 & 8 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.1 to 4 & 8 hold a passport, they shall surrender the same if the same is not seized till now.
- (vii) The petitioners/Accused Nos.1 to 4 & 8 should ensure their presence whenever required by the Court or Police.
- (viii) The petitioners/Accused Nos.1 to 4 & 8 shall not leave India without previous permission of the court concerned.
- (ix)The petitioners/Accused Nos.1 to 4 & 8 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

ysk

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3757 of 2023

Date:24.04.2023

ysk