

**HONBLE SRI JUSTICE SAMBASIVA RAO NAIDU**

**CRIMINAL PETITION No.4669 of 2023**

**ORDER:**

Heard learned counsel for the petitioner, as well as learned Public Prosecutor who is representing the respondent-State. Perused the record.

2. Seeking pre-arrest bail in favour of the petitioners, who are arrayed as accused Nos.1 and 3 in Crime No.53 of 2023 of Gambhiraopet Police Station of Rajanna Siricilla District, the present Criminal Petition is filed under Section 438 Cr.P.C.

3. It is the case of the prosecution that one Bhukya Ajay (herein after refers as to 'the deceased') who is none other than the son of the de-facto complainant, got married to the Petitioner/accused No.1, at the threat of the petitioner. It is also alleged in the complaint that accused No.1 forced the deceased to move to Malaysia in search of livelihood. The main allegation against the petitioner and the other accused is that the deceased committed suicide on 30.03.2023 by consuming pesticides only at the instance of the accused No.1 and her relatives.

4. Learned counsel for the petitioners has claimed that there was no such marriage as alleged by the de-facto complainant and that there was only an engagement between the deceased and accused No.1 and subsequently it was cancelled at the instance of both the parties. In support of such cancellation, a copy of memorandum of understanding dated 09.03.2023 was presented before this Court, which was also duly signed by the witnesses. He further submits that the petitioner and other accused are falsely implicated in this case and they are no way concerned with the death.

5. Per contra, learned Additional Public Prosecutor opposed the request of the petitioner stating that there is a *prima facie* material exhibiting the involvement of all the accused including the petitioner herein for the death of the deceased.

6. It is true that the petitioners did not file the original memorandum of understanding and it is not the stage to decide the validity of the document, however, *prima facie* it shows that as on the date of the death of the deceased, he was not in this Country and was in Malaysia. The only

allegation against the petitioner and the other accused is that they have instigated the deceased to commit suicide, which could be investigated by Investigating Officer, after examining the witnesses and obtaining the necessary details i.e., call-records etc.,

7. Learned counsel for the petitioners further submits that the petitioners/accused Nos.1 and 3 are women and are permanent residents of Mucharla Thanda Village of Gambhiraopet Mandal, therefore their request can be considered by imposing certain conditions.

8. Having considered the nature of the case and taking into consideration of the submissions made by learned counsel for the petitioners that several material witnesses were already examined and that the material part of investigation is completed, this Court is of the view that the request of the petitioner can be considered by imposing certain conditions.

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

(i) The petitioners/accused Nos.1 and 3 are directed to surrender before the Court concerned on or before 25.05.2023. On such surrender, they shall be enlarged on bail on their executing a personal bond for Rs.10,000/- (Rupees Ten Thousand only) each with two sureties for the like sum each to the satisfaction of the Court concerned.

(ii) In case, the petitioners/accused Nos.1 and 3 hold a passports, they are directed to surrender the same before the Court concerned.

(iii) The petitioners/accused Nos.1 and 3 shall cooperate with the Investigating Officer for proper investigation of the case.

(iv) The petitioners/accused Nos.1 and 3 shall not involve in any unlawful activity.

(v) The petitioners/accused Nos.1 and 3 shall not leave the headquarters without the prior permission of the Court Concerned.

(vi) The petitioners/accused Nos.1 and 3 shall not tamper with the evidence in any manner.

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**JUSTICE SAMBASIVA RAO NAIDU**

Dated:18.05.2023  
VSU/PNS

