

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.42 OF 2024

O R D E R:

This Criminal Petition is filed under Section 438 of Code of Criminal Procedure (for short 'Cr.P.C.') by the petitioner/Accused No.3 seeking bail in the event of his arrest in connection with Crime No.63 of 2016 on the file of CB-CID Police Station, Telangana State, registered for the offence under Section 302 r/w. 34 of I.P.C.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State. Perused the record.

3. The Crime No.63 of 2016 was registered against the petitioner and other accused by the Shankarampet (A) Police Station, Medak District on account of the death of the deceased by burning. During the course of investigation, the police have examined twenty four witnesses including forensic expert. Thereafter, the case was closed as suicidal death. The brother of the deceased preferred W.P.No.12913 of 2020 and this Court, *vide* order, dated 05.07.2021, directed to

conduct fresh investigation by entrusting the case to CB-CID, Telangana State. The petitioner approached this Court now apprehending arrest.

4. Learned counsel appearing for the petitioner would submit that since the investigation is handed over to CB-CID, Telangana State on 05.07.2021, the petitioner is apprehending arrest since his name was mentioned earlier in the complaint.

5. On the other hand, learned Additional Public Prosecutor submits that the only basis of investigation is dying declaration which was given by the deceased.

6. Keeping in view that the dying declaration earlier considered by the police and thereafter concluded investigation on the basis of 'burning' expert evidence that the death of the deceased was suicidal, final report was filed. In the said circumstances, this Court deems it appropriate to grant the relief of anticipatory bail, subject to following conditions:-

- 1) The petitioner/Accused No.3 is directed to surrender before the Station House Officer, CB-CID

Police, Telangana State, on or before 17.01.2024. Upon such surrender, the said Station House Officer shall release the petitioner/Accused No.3 on bail, on his executing personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, for a like sum each to his satisfaction.

- 2) On such release, the petitioner/Accused No.3 shall appear before the concerned Station House Officer at 10:00 a.m. every day for a period of three weeks and thereafter as and when required, for the purpose of investigation.
- 3) The petitioner/Accused No.3 shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.

7. Accordingly, the Criminal Petition is allowed. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

K.SURENDER, J

Date : 09.01.2024
Tmk/dv

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Dt.09.01.2024

dv/tmk

