

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.1454 of 2024

ORDER:

This Criminal Petition is filed by the petitioner /A2 under Section 438 of Code of Criminal Procedure (for short “Cr.P.C.”) for grant of anticipatory bail in the event of his arrest in connection with Crime No.63 of 2016 on the file of PS Shankarampet A, Medak District, registered for the offence under Section 302 read with Section 34 of IPC.

2. Heard the learned counsel for the petitioner – A2 and the learned Additional Public Prosecutor for the respondent – State.
3. Learned counsel for the petitioner stated that the petitioner was apprehending his arrest as the CBCID Police also arrested A1 and A3 and prayed for grant of anticipatory bail to the petitioner herein.
4. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner and stated that as per the confession of A1 and A3, the name of the present petitioner – A2 came into light.
5. Perused the record.
6. The record would disclose that a final report was filed by the Circle Inspector of Police (for short “CI”), Alladurg Circle earlier on 18.10.2020

reporting the case as 'suicidal death by burns' and subsequently the brother of the deceased preferred Writ Petition No.12913 of 2020 and this Court vide order dated 05.07.2021 entrusted the investigation to CBCID. As per the final report filed by the Police, they stated the circumstances which contradicted the dying declaration as, the relatives of the deceased had not stated about the audio and video statement of the deceased recorded by them on the way to Gandhi Hospital nor stated to the Medical Officer at the time of admission of the deceased nor stated to the Police at the time of conducting inquest and as per the audio – video recording submitted by them also, it was audible that some third person was prompting, insisting or forcing the deceased to tell the names of the alleged accused. As such, the case was closed by the Police by filing a final report reporting the matter as 'suicidal death by burns'. Though the matter was again unearthed by the CBCID, there was no other evidence against the petitioner herein other than the confession of A1 and A3. As such, it is considered fit to grant anticipatory bail to the petitioner – A2 on certain conditions.

7. In the result, the Criminal Petition is allowed and the petitioner – A2 is granted anticipatory bail subject to following conditions:

- (i) The petitioner – A2 is directed to surrender before the Station House Officer, CBCID within a period of fifteen (15) days from the date of this order, and on such surrender the Station

House Officer, CBCID shall release the petitioner – A2 on bail on his executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer.

(ii) The petitioner – A2 shall comply with the conditions stipulated under Section 438(2) of Cr.P.C.

As a sequel, miscellaneous applications in this petition if any shall stand closed.

Dr. G.RADHA RANI, J

Date: 15th February, 2024
Nsk.