

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10402 of 2022

ORDER:

Heard Sri Vinod Kumar Deshpande, learned counsel, who argued on behalf of Sri V.Rohith, learned counsel on record for the petitioners, as well as learned Additional Public Prosecutor who is representing the respondent.

2. Seeking to enlarge the petitioners, who are arrayed as accused Nos.2 and 3 in Crime No.189 of 2022 of Basanthnagar Police Station, Peddapalli District, on bail, the present Criminal Petition is filed under Section 439 Cr.P.C.

3. Learned counsel for the petitioners states that the petitioners are the parents of accused No.1. Learned counsel submits that the de facto complainant, who is the mother of the deceased-Anusha, herself in the complaint stated that her daughter has committed suicide by consuming poison, frustrated with family disputes, which itself goes to show that the petitioners are innocent. Learned counsel also submits that the petitioners are in judicial custody since 03.11.2022 and as the entire investigation is completed, they may be enlarged on bail.

4. On the other hand, the learned Additional Public Prosecutor states that though the mother of the deceased-Anusha did not state in the complaint anything against the petitioners, yet the sister of the deceased-Anusha gave statement that due to the petitioners the deceased-Anusha committed suicide. Learned Additional Public Prosecutor states that 18 witnesses were examined till now. Therefore, it is clear that material part of investigation is completed. Hence, this Court does not find any grounds for keeping the petitioners in judicial custody for a longer period. Thus, this Court considers it desirable to honour the request of the petitioners, however conditionally.

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

- (i) The petitioners/accused Nos.2 and 3 shall be enlarged on bail on each of them executing a personal bond for Rs.50,000/- (Rupees Fifty thousand only) with two sureties for the 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) In case, the petitioners/accused Nos.2 and 3 hold passport, they are directed to surrender the same, if they were not seized by now.

(iii) The petitioners/accused Nos.2 and 3 should not involve in any unlawful activity.

(iv) The petitioners/accused Nos.2 and 3 should afford all assistance for proper investigation of the case.

(v) The petitioners/accused Nos.2 and 3 should not cause the evidence of the offence disappear.

(vi) The petitioners/accused Nos.2 and 3 should not tamper with the evidence in any manner.

(vii) The petitioners/accused Nos.2 and 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.

(viii) The petitioners/accused Nos.2 and 3 should ensure their presence whenever required by the Court or Police.

(ix) The petitioners/accused Nos.2 and 3 shall not leave India without previous permission of the court concerned.

(x) The petitioners/accused Nos.2 and 3 shall report before the Station House Officer, Basanthnagar Police Station, Peddapalli District, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioners/accused Nos.2 and 3 shall file 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 affidavit duly mentioning the change. They shall continue to do so till filing of the final report.

Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the bail granted.

6. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

Dr. JUSTICE CHILLAKUR SUMALATHA

30.11.2022
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