

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

CRIMINAL PETITION No.8512 of 2019

ORDER:

This criminal petition under Sections 437 and 439 of the Code of Criminal Procedure, 1973, seeking grant of regular bail, is filed by the petitioners – Accused Nos.2 and 3 (A.2 and A.3) in S.C.No.166 of 2019 pending on the file of the Special Sessions Judge for Trial of Cases under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989-cum-VII Additional District Judge, Ranga Reddy District at L.B.Nagar.

2. Heard learned counsel for the petitioners – A.2 and A.3 and learned Additional Public Prosecutor appearing for respondent No.1 – State and perused the record.

3. With the consent of the learned counsel appearing for the parties, the criminal petition is taken up for hearing through Video Conferencing in the virtual Court today, i.e. 22.12.2020.

4. Learned counsel for the petitioners – A.2 and A.3 would submit that the petitioners – A.2 and A.3 have been languishing in jail for more than two years despite being granted bail, on the basis of the submission made by the learned Additional Public Prosecutor that the petitioners – A.2 and A.3 were detained under the Preventive Detention Act and the period of one year to undergo imprisonment prescribed thereunder having not been expired.

5. Learned counsel for the petitioners would submit that though the said submission is incorrect, even otherwise the period of one year, which the petitioners are required to undergo in imprisonment under the Preventive Detention Act, has been completed on 07.10.2019, as per the

Detention Certificate, dated 17.12.2019, issued by the Superintendent, Central Prison, Cherlapally. Learned counsel for the petitioners would thus submit that the order passed by the trial Court rejecting the bail application of the petitioners by order dated 28.11.2019 is based on the factually incorrect statement of the learned Additional Public Prosecutor. Learned counsel for the petitioners would also submit that A.1 in the above crime has already been enlarged on bail.

5. Per contra, learned Additional Public Prosecutor would submit that trial in the above matter has already been commenced and all the witnesses have been examined and the matter was posted on 17.12.2020 for cross-examination of the Doctor, who is L.W.25. Learned Additional Public Prosecutor would further submit that even while being in jail, the petitioners have been influencing and intimidating the witnesses in the case and as such, there is every possibility of the petitioners resorting to intimidation of witnesses, if enlarged on bail.

6. Having regard to the submissions made as above, and considering the fact that the examination of all the witnesses in the above crime having been completed and the main accused – A.1 in the above crime has already been enlarged on bail, this Court is inclined to grant bail to the petitioners – A.2 and A.3, subject to the following conditions:

(i) The petitioners – A.2 and A.3 shall be released on bail on their executing a personal bond for an amount of Rs.50,000/- (Rupees Fifty Thousand only), each, with two sureties for a likesum each to the satisfaction of the learned Special Sessions Judge for Trial of Cases under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989-cum-VII Additional District Judge, Ranga Reddy District at L.B.Nagar;

(ii) The petitioners – A.2 and A.3 shall not misuse the liberty granted hereunder;

(iii) The petitioners – A.2 and A.3 shall appear before the Station House Officer, Kukatpally Police Station, everyday between 10.00 AM and 5.00, PM till completion of the trial in S.C.No.166 of 2019;

(iv) The petitioners – A.2 and A.3 shall not leave the jurisdiction of the concerned Court without prior permission of the Court concerned;

(v) The petitioners – A.2 and A.3 shall co-operate with the trial;

(vi) In the event the petitioners – A.2 and A.3 fail to comply with any of the conditions stipulated hereinabove, bail granted to them shall automatically stand cancelled and the petitioners – A.2 and A.3 shall be taken into custody forthwith by the respondent authorities.

7. Subject to the above, the criminal petition is allowed. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

JUSTICE T.VINOD KUMAR

Date:22.12.2020

Note:

Furnish C.C. by 24.12.2020
(B/o) GJ