

THE HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.8696 of 2022

ORDER:

Heard Sri Rachakonda Ramakrishna, learned counsel for the petitioner, as well as learned Assistant Public Prosecutor, who is representing the respondent – State.

2. This Criminal Petition under Section 438 Cr.P.C. is filed seeking to grant pre-arrest bail to the petitioner, who is arrayed as Accused No.2 in Crime No.825 of 2022 of Malkajgiri Police Station, Rachakonda District.

3. Learned counsel for the petitioner states that the petitioner has not committed any offences whatsoever and Accused No.1 was already enlarged on bail. He further contends that even the allegation that is levelled against the petitioner is that he committed offences punishable under Sections 457 and 380 IPC and, hence, a direction may be issued to the police concerned to follow the requirements under Section 41-A Cr.P.C.

4. Learned Assistant Public Prosecutor, on the other hand, states that the amount involved has to be recovered from the possession of the petitioner.

5. In reply to the said submission, learned counsel for the petitioner submits that already a sum of Rs.3,000/- was recovered from the possession of Accused No.1 and Accused No.1 was also enlarged on bail.

6. Having considered the submissions made thus, this Court is of the view that the request of the petitioner can be honoured.

7. In the result, the criminal petition is allowed with the following conditions:

(i) The petitioner/Accused No.2 is directed to surrender before the Court of Metropolitan Magistrate, Medchal-Malkajgiri District at Malkajgiri, within a period of ten (10) days from today and on such surrender, he shall be enlarged on bail on his executing a personal bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties for the like sum each to the satisfaction of the said Court. 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) The petitioner/Accused No.2 shall report before the SHO, Malkajgiri Police Station on every Sunday between 10.30 a.m. and 1.30 p.m. till filing of charge sheet;

(iii) The petitioner/Accused No.2 should not involve in any unlawful activity.

(iv) The petitioner/Accused No.2 should afford all assistance for the proper investigation of the case.

(v)The petitioner/Accused No.2 should not cause the evidence of the offence disappear.

(vi)The petitioner/Accused No.2 should not tamper with the evidence in any manner.

(vii) The petitioner/Accused No.2 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 petitioner/Accused No.2 should ensure his presence whenever required by the Court or Police.

(ix) Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the pre-arrest bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

06.10.2022.
Msr

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