

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.8881 OF 2022****ORDER:**

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner who is arrayed as Accused No.1 in S.C.No.228 of 2020 pending on the file of I Additional District and Sessions Judge at Bhongir which arose out of Crime No.08 of 2020 of Gundala Police Station, Jangaon District for the offences punishable under Sections 307, 376(2)(n) and 498(A) of Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act and Section 5(L) read with Section 6 of POCSO Act.

2. Heard learned counsel for the petitioner/Accused No.1 and learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. The petitioner is Accused No.1 who was arrested and released on bail in the aforesaid crime. After completion of investigation, the charge sheet was filed by the police, pending proceedings before the Court the petitioner was not present in the Court on 04.08.2022, for which reason non-bailable warrants were

issued by the trial Court. The police executed the said warrants and arrested the petitioner on 24.08.2022 and when produced before the Court, he was remanded to judicial custody, since then the petitioner is in jail.

4. Learned counsel for the petitioner submits that subsequently a criminal case was registered on the allegation of threatening the witnesses. On the said basis, the police sought cancellation of bail and accordingly bail was cancelled in the present crime. However, this Court by order dated 11.10.2022 in Crl.Petition No.8927 of 2022 *set aside* the said cancellation order of the learned I Additional District and Sessions Judge on the ground that the petitioner's name did not figure in the case during the course of investigation.

5. As seen from the record and after hearing the learned Assistant Public prosecutor, the petitioner was absent on one day, for which reason non-bailable warrants were issued. Since the Court had already considered grant of bail and released him on bail, the present application for bail can be considered on conditions.

6. Accordingly, the Criminal Petition is allowed and the petitioner/Accused No.1 is granted bail subject to the following conditions:

- i) The petitioner/Accused No.1 is directed to be released on bail on his executing personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of I Additional District and Sessions Judge at Bhongir.
- ii) After release on bail, the petitioner/Accused No.1 shall appear before the trial Court on every date of hearing and he shall not in any manner contact the witnesses in the case, failing which the prosecution is at liberty to seek appropriate remedy before the concerned Court.
- iii) The petitioner/Accused No.1 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

K.SURENDER, J

Date: 18.10.2022
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