

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.9679 of 2022

ORDER:

Heard Sri Mohd. Muzafferullah Khan, learned counsel for the petitioners, as well as learned Additional Public Prosecutor who is representing the respondent.

2. The present Criminal Petition is filed under Section 439 Cr.P.C seeking to enlarge the petitioners, who are arrayed as accused Nos.1 and 2 in Crime No.245 of 2022 of Tappachabutra Police Station, Hyderabad, on bail.

3. The matrix of the case, as could be perceived through the material available on record, is that the petitioners are related by blood and they are residing in the same locality where the injured are residing. There was strained relationship between both the parties. On 08.10.2022, while a discussion was going on regarding previous issue, both the petitioners attacked the injured with sticks and caused injuries. The injured were shifted to hospital for treatment.

4. Learned counsel for the petitioners states that the petitioners are in judicial custody since 10.10.2022 and the

entire investigation is completed by now and thus, the petitioners may be enlarged on bail.

5. On the other hand, the submission of learned Additional Public Prosecutor is that eight witnesses were examined till now and the case is kept pending for want of FSL Report. Learned Additional Public Prosecutor also states that one of the injured received one grievous injury and another four grievous injuries and one simple injury.

6. By the submission of the learned Additional Public Prosecutor and by the contents of the material placed including the Remand Report, it is clear that material part of investigation is completed. No grounds are found for rejecting the request made by the petitioners for grant of bail and to keep them in judicial custody for a further period. Therefore, this Court considers it desirable to honour the request of the petitioners, however conditionally.

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

- (i) The petitioners/accused Nos.1 and 2 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.1 and 2 hold passport, they are directed to surrender the same, if they were not seized by now.

(iii) The petitioners/accused Nos.1 and 2 should not involve in any unlawful activity.

(iv) The petitioners/accused Nos.1 and 2 should afford all assistance for proper investigation of the case.

(v) The petitioners/accused Nos.1 and 2 should not cause the evidence of the offence disappear.

(vi) The petitioners/accused Nos.1 and 2 should not tamper with the evidence in any manner.

(vii) The petitioners/accused Nos.1 and 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 petitioners/accused Nos.1 and 2 should ensure their presence whenever required by the Court or Police.

(ix) The petitioners/accused Nos.1 and 2 shall not leave India without previous permission of the court concerned.

(x) The petitioners/accused Nos.1 and 2 shall report before the Station House Officer, Tappachabutra Police Station, Hyderabad, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioners/accused Nos.1 and 2 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.

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

Dr. JUSTICE CHILLAKUR SUMALATHA

22.11.2022
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