

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.9886 of 2022

ORDER:

Heard Sri K.Venumadhav, learned counsel for the petitioner, as well as learned Additional Public Prosecutor who is representing respondent No.1. Proof of service in respect of respondent No.2 is filed. However, none appears for respondent No.2.

2. Seeking the Court to enlarge the petitioner, who is arrayed as accused No.1 in Crime No.219 of 2022 of Ibrahimpatnam Police Station, Jagtial District, on bail, the present Criminal Petition is filed.

3. Learned counsel for the petitioner states that the petitioner is in judicial custody since 10.10.2022 and all the material witnesses were examined and therefore, the petitioner may be enlarged on bail. Learned counsel also states that the application moved by accused Nos.2, 3, 5 and 6 for bail was allowed and they were enlarged on bail by this Court through orders in Criminal Petition No.9888 of 2022. Learned counsel also states that accused no.10 moved an application for grant of anticipatory bail *vide* Criminal

Petition No.9145 of 2022 and anticipatory bail, as prayed for, was also granted.

The submission of the learned Additional Public Prosecutor, on the other hand, is that the petitioner along with other accused attacked the defacto complainant by trespassing into her house and assaulted her, due to which she sustained grievous injuries. However, learned Additional Public Prosecutor states that 22 witnesses are already examined. Therefore, it is clear that material part of investigation is completed. No grounds whatsoever are urged or projected for the petitioner to be kept in judicial custody for a further period.

Thus, having regard to the case facts, the submissions made and also considering the fact that the petitioner is in judicial custody since more than 40 days, this Court considers it desirable to honour the request of the petitioner, however conditionally.

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

- (i) The petitioner/accused No.1 shall be enlarged on bail on his executing a personal bond for

Rs.30,000/- (Rupees Thirty 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 petitioner/accused No.1 holds a passport, he is directed to surrender the same, if it is not seized by now.

(iii) The petitioner/accused No.1 should not involve in any unlawful activity.

(iv) The petitioner/accused No.1 should afford all assistance for proper investigation of the case.

(v) The petitioner/accused No.1 should not cause the evidence of the offence disappear.

(vi) The petitioner/accused No.1 should not tamper with the evidence in any manner.

(vii) The petitioner/accused No.1 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.1 should ensure his presence whenever required by the Court or Police.

(ix) The petitioner/accused No.1 shall not leave India without previous permission of the court concerned.

(x) The petitioner/accused No.1 shall report before the Station House Officer, Ibrahimpatnam Police Station on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioner/accused No.1 shall file an 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 petitioner shall intimate the court concerned by giving a fresh affidavit

duly mentioning the change. He 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

23.11.2022
DR