

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10026 of 2022

ORDER:

1. Heard Sri Y.Shashidhar Reddy, learned counsel for the petitioner as well as the learned Additional Public Prosecutor who is representing the respondent.

2. Seeking for pre-arrest bail, the petitioner, who is arrayed as Accused No.5 in Crime No.828 of 2022 of Uppal Police Station, Rachakonda Commissionerate, is before this Court.

3. Learned counsel for the petitioner submits that the petitioner is the brother-in-law of Accused No.1 and he has no involvement in the affairs of Accused No.1 and his wife i.e. the deceased Pustakala Divya Bharathi. Learned counsel also submits that the entire allegations are directed against Accused No.1 only, but the name of the petitioner is falsely implicated in the FIR, that too, with a wrong mention of the name, which itself goes to show that the *de facto* complainant has no knowledge even with regard to the identity particulars of the petitioner herein. Learned counsel, during his submission, brought to the

notice of this Court the common order rendered in CrI.P.Nos.8898, 8894 and 8895 of 2022, dated 18.10.2022, by which anticipatory bail was granted in favour of Accused Nos.2 to 4. Learned counsel submits that as the petitioner stands on a better footing, he is entitled for the same relief.

4. Learned Additional Public Prosecutor did not state anything as to why a different view has to be taken from the view taken in the common order referred above. Further, as per the submission of the learned Additional Public Prosecutor, the material part of investigation is completed and eleven witnesses are examined till now. Therefore, this Court considers desirable to honour the request of the petitioner, however, conditionally.

5. In the result, the Criminal Petition is allowed with the following conditions:

- (i) The petitioner/Accused No.5, is directed to surrender before the concerned Court within ten (10) days. On such surrender, he shall be enlarged on bail on his executing a personal bond for Rs.30,000/- (Rupees Thirty Thousand only) with two sureties for 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) The petitioner/Accused No.5 shall report before the Station House Officer, Uppal Police Station on every Monday between 10.30 a.m. and 12:00 p.m. till filing of charge sheet.
- (iii) The petitioner/Accused No.5 should not involve in any unlawful activity.
- (iv) The petitioner/Accused No.5 should afford all assistance for the proper investigation of the case.
- (v) The petitioner/Accused No.5 should not cause the evidence of the offence disappear.
- (vi) The petitioner/Accused No.5 should not tamper with the evidence in any manner.
- (vii) The petitioner/Accused No.5 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) In case the petitioner/Accused No.5 holds a passport, he shall surrender the same if the same is not seized till now.
- (ix) The petitioner/Accused No.5 should ensure his presence whenever required by the Court or Police.
- (x) The petitioner/Accused No.5 shall not leave India without previous permission of the court concerned.
- (xi) The petitioner/Accused No.5 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 pre-arrest bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date: 22.11.2022
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HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10026 of 2022

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ysk

CIVIL REVISION PETITION No.3578 of 2018

27.12.2021

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