

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.9984 of 2022

ORDER:

Heard Sri M.Lakshmikanth, learned counsel for the petitioners, as well as the learned Additional Public Prosecutor who is representing the respondent.

2. Invoking Section 439 Cr.P.C., the petitioners are before this Court seeking to enlarge them on bail. The petitioners are arrayed as accused Nos.1 to 3 in Crime No.185 of 2022 of Mominpet Police Station, Vikarabad District.

3. The case of the prosecution, as per the material brought on record, is that there were disputes between the accused on one hand and the family of the defacto complainant on the other hand. Petitioner Nos.1 and 2 with an intention to attack the injured-Laxmidas Goud took a knife from petitioner No.3 and on 10.10.2022, as per their plan, restrained the injured-Laxmidas Goud and attacked him. The injured-Laxmidas Goud received grievous injury and his left thumb finger was severed through knife by accused Nos.1 and 2.

4. Learned counsel for the petitioners submits that the petitioners are in judicial custody since 41 days and the entire investigation is completed and therefore, they may be enlarged on bail.

5. On the other hand, the submission of the learned Additional Public Prosecutor is that six witnesses are examined till now and the investigation is still pending. Learned Additional Public Prosecutor also states that petitioner No.1 is involved in another criminal case where the allegations are that he committed offences punishable under Sections 324 and 504 IPC. Learned Additional Public Prosecutor also states that petitioner No.2 is involved in two other criminal cases, where the allegation in one of the cases is that he committed offences punishable under Sections 324 and 506 IPC and in the second case, is that he committed offences punishable under Sections 304-A and 337 IPC. By stating so, the learned Additional Public Prosecutor opposes to grant bail to the petitioners.

6. Having gone through the entire material that is available on record, upon hearing the learned counsel for the petitioners as well as the learned Additional Public

Prosecutor and also considering the stage of investigation, this Court is of the view that it is wholly undesirable to enlarge petitioner Nos.1 and 2/accused Nos.1 and 2 on bail, as prayed for, pending investigation. So far as petitioner No.3/accused No.3 is concerned, this Court considers it desirable to honour his request for grant of bail conditionally.

7. Resultantly, this criminal petition stands dismissed so far as petitioner Nos.1 and 2/accused Nos.1 and 2 are concerned and it is allowed so far as petitioner No.3/accused No.3 is concerned with the following conditions:

- (i) Petitioner No.3/accused No.3 shall be enlarged on bail on his executing a personal bond for Rs.25,000/- (Rupees Twenty five 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, petitioner No.3/accused No.3 holds a passport, he is directed to surrender the same, if it is not seized by now.

(iii) Petitioner No.3/accused No.3 should not involve in any unlawful activity.

(iv) Petitioner No.3/accused No.3 should afford all assistance for the proper investigation of the case.

(v) Petitioner No.3/accused No.3 should not cause the evidence of the offence disappear.

(vi) Petitioner No.3/accused No.3 should not tamper with the evidence in any manner.

(vii) Petitioner No.3/accused No.3 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) Petitioner No.3/accused No.3 should ensure his presence whenever required by the Court or Police.

(ix) Petitioner No.3/accused No.3 shall not leave India without previous permission of the court concerned.

(x) Petitioner No.3/accused No.3 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.

Dr. CHILLAKUR SUMALATHA, J

21.11.2022
dr