

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10107 of 2022

ORDER:

1. Heard Sri R.Nishanth, learned counsel representing Sri K.Rohit, learned counsel on record for the petitioners as well as the learned Additional Public Prosecutor who is representing Respondent No.1.
2. Seeking pre-arrest bail, the present Criminal Petition is filed under Section 438 Cr.P.C.
3. Making his submission, learned counsel for the petitioners states that though the petitioners are not arrayed as Accused in the FIR, their names are mentioned in the complaint and therefore, they apprehend arrest and hence, they are before this Court seeking for anticipatory bail.
4. Learned Additional Public Prosecutor states that the victim sustained simple injuries and the case is under investigation. Learned Additional Public Prosecutor also submits that four material witnesses were examined till now and their statements were recorded. As per the material available on record, the contention of the

prosecuting agency is that the petitioners have committed offences punishable under Sections 448, 323, 379 and 506 IPC. Hence, considering the said fact and as it is found that the allegations levelled are not so grievous in nature so as to adopt a stringent approach and further, as it is submitted by learned Additional Public Prosecutor that to some of the petitioners, notices under Section 41-A Cr.P.C. were also issued, this Court considers desirable to honour the request of the petitioners, however, conditionally.

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

- (i) The petitioners are directed to surrender before the concerned Court within ten (10) days. On such surrender, they shall be enlarged on bail on their executing a personal bond for Rs.20,000/- (Rupees Twenty Thousand only) each 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 petitioners should not involve in any unlawful activity.
- (iii) The petitioners should afford all assistance for the proper investigation of the case.
- (iv) The petitioners should not cause the evidence of the offence disappear.
- (v) The petitioners should not tamper with the evidence in any manner.
- (vi) The petitioners 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.
- (vii) In case the petitioners hold passports, they shall surrender the same.
- (viii) The petitioners should ensure their presence whenever required by the Court or Police.
- (ix) The petitioners shall not leave India without previous permission of the Court concerned.
- (x) The petitioners 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 of the aforementioned details, the petitioners shall intimate the Court concerned by giving a 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 pre-arrest bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date:07.12.2022
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HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10107 of 2022

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ysk

CIVIL REVISION PETITION No.3578 of 2018

27.12.2021

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