

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10017 of 2022

ORDER:

1. Heard Sri Ponnamm Ashok Goud, learned counsel who argued on behalf of 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.1 in Crime No.109 of 2019 of Chandampet Police Station, Nalgonda District, is before this Court.

3. Making his submission, learned counsel for the petitioner contends that the petitioner is working as Village Revenue Officer (VRO). Learned counsel states that the case was registered in the year 2019 and till now, there is no progress in investigation, but however, suddenly, police are trying to arrest the petitioner arbitrarily and therefore, the petitioner is before this Court seeking for anticipatory bail.

4. On the other hand, the submission of the learned Additional Public Prosecutor is that huge extent of forest

land was distributed to ineligible persons and a case was registered basing on the complaint given by the Tahsildar and thus, the petitioner is required to be arrested. Learned Additional Public Prosecutor failed to state as to why no steps were taken to apprehend the petitioner since three years i.e. from the date of registration of the case. Also, nothing is stated as to why the petitioner has to be arrested now. It is not the version of the prosecuting agency that the petitioner at any time, involved in the investigating process, hampered the investigation or threatened any of the witnesses. Furthermore, no reasonable cause is shown as to why the investigation is kept pending for a long period of three years.

5. Having considered all these aspects, this Court is of the view that the request of the petitioner can be honoured conditionally.

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

- (i) The petitioner/Accused No.1 shall surrender before the concerned Court within ten (10) days. On such surrender, he shall remain on bail on his executing a personal bond for Rs.50,000/-

(Rupees Fifty 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.1 should not involve in any unlawful activity.

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

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

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

(vi) 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.

(vii) In case the petitioner/accused No.1 holds a passport, he shall surrender the same.

(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 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: 21.11.2022
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HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10017 of 2022

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ysk

CIVIL REVISION PETITION No.3578 of 2018

27.12.2021

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