

**HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA**

**CRIMINAL PETITION No.10157 of 2022**

**ORDER:**

1. Heard Sri C.Sharan Reddy, learned counsel for the petitioner as well as the learned Additional Public Prosecutor.

2. Seeking for pre-arrest bail, the petitioner, who is arrayed as Accused No.4 in C.C.No.349 of 2017, on the file of the Court of VII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, is before this Court.

3. Learned counsel for the petitioner states that the petitioner is the son of Accused Nos.1 & 2 and brother of Accused No.3. Learned counsel also states that wife of Accused No.3 foisted a false case against the petitioner and other accused and indeed, due to trivial matrimonial dispute, a private complaint was filed and subsequently, charge sheet is laid. Learned counsel also states that the petitioner was at Australia and thereafter, he shifted to Dubai and there is no involvement in any of the alleged acts and narrated in the charge sheet and only because the petitioner is the brother of her husband, the defacto complainant foisted a false case. Learned counsel submits

that a non-bailable warrant was issued against the petitioner. Learned counsel also states that all the offences i.e. offences punishable under Sections 323, 504 and 506 IPC are bailable in nature and except those offences, no other offences are indicated in the charge sheet and hence, anticipatory bail may be granted.

4. On the other hand, the submission of the learned Additional Public Prosecutor is that as the petitioner was found absconding, a non-bailable warrant was issued against him by the concerned Court.

5. On that, learned counsel for the petitioner submits that the petitioner is coming back to India on 29.11.2022 and he will surrender before the concerned Court if ordered.

6. Having considered the submissions thus made, the contents of the charge sheet and the offences indicated, this Court considers desirable to honour the request of the petitioner, however, conditionally.

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

- (i) The petitioner/Accused No.4 is directed to surrender before the Court of VII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, by 10.12.2022. On such surrender, he shall be enlarged 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 said Court. 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.4 shall surrender his passport.
- (iii) The petitioner/Accused No.4 shall not leave India without previous permission of the Court concerned.
- (iv) The Court of VII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, is directed not to grant any permission for the petitioner/Accused No.4 to travel abroad till conclusion of trial proceedings.
- (v) The petitioner/Accused No.4 should not involve in any unlawful activity.

- (vi) The petitioner/Accused No.4 should afford all assistance for the proper investigation of the case.
- (vii) The petitioner/Accused No.4 should not cause the evidence of the offence disappear.
- (viii) The petitioner/Accused No.4 should not tamper with the evidence in any manner.
- (ix) The petitioner/Accused No.4 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.
- (x) The petitioner/Accused No.4 should ensure his presence whenever required by the Court or Police.

Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the pre-arrest bail granted.

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**Dr. JUSTICE CHILLAKUR SUMALATHA**

Date: 23.11.2022  
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