

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10170 of 2022

ORDER:

1. Heard Sri L.Harish, learned counsel for the petitioner as well as the learned Additional Public Prosecutor who is representing the respondent.

2. Seeking the Court to grant pre-arrest bail in favour of the petitioner, who is arrayed as Accused No.2 in Crime No.243 of 2022 of Kodad (Rural) Police Station, Suryapet District, the present Criminal Petition is filed.

3. Learned counsel for the petitioner states that the petitioner has not committed any offence whatsoever. Learned counsel also submits that going by case facts as narrated in the remand report pertaining to Accused No.1, neither Section 420 IPC nor Section 25(1)(a) of Arms Act is applicable to the petitioner and therefore, the petitioner is entitled for pre-arrest release.

4. On the other hand, the submission of the learned Additional Public Prosecutor is that the case is still under investigation.

5. The facts of the case as could be perceived through the contents of the complaint are that on 07.11.2022, while the Sub-Inspector of Police, Kodad Rural Police Station, was performing vehicle checking duty at Ramapuram X road, he found one 'Skoda' car proceeding from Vijayawada side. He stopped the said car. On thorough checking, he found three sharp edged knives and black colour papers. On interrogation of the person present in the car, the said person confessed and stated that he is working as a private contractor and when he visited Thulja Bhavani temple, the petitioner introduced himself to him and informed that he has black colour papers which if dipped in Sodium Theo Sulphate, they would turn as original currency notes of 500 denomination and sought 30% of share in the earning, upon which there was an agreement between them to that effect. The said person also informed that on 01.11.2022, he made phone call to the petitioner and the petitioner informed that he is at Annavaram and asked him to come there and immediately, he proceeded in the car, met him and the petitioner handed over four bundles of black notes asking him to send commission after selling the same. He also stated that he started from Annavaram and on the

way, he found sale of sharp edged knives and on that, he bought three knives to attack his political rivals.

6. Learned Additional Public Prosecutor did not state as to how the provisions of Arms Act would attract the petitioner herein. Though the allegations as per the complaint are grave in nature, the basis is only the alleged confessional statement of Accused No.1. However, without going into the merits of the case, nothing is brought to the notice of this Court about the requirement of the petitioner to be arrested and for remanding him to judicial custody. Also, it is not brought to the notice of this Court whether any test is conducted over the said black papers that were seized to know about the involvement of the petitioner in the alleged crime.

7. Hence, considering the said fact, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

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

- (i) The petitioner/Accused No.2 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.1,00,000/- (Rupees One Lakh 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.2 shall report before the Station House Officer, Kodad (Rural) Police Station on every Monday between 10.30 a.m. and 12:00 p.m. till filing of final report.
- (iii) The petitioner/Accused No.2 should not involve in any unlawful activity.
- (iv) The petitioner/Accused No.2 should afford all assistance for the proper investigation of the case.
- (v) The petitioner/Accused No.2 should not cause the evidence of the offence disappear.
- (vi) The petitioner/Accused No.2 should not tamper with the evidence in any manner.

- (vii) The petitioner/Accused No.2 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.2 holds a passport, he shall surrender the same.
- (ix) The petitioner/Accused No.2 should ensure his presence whenever required by the Court or Police.
- (x) The petitioner/Accused No.2 shall not leave India without previous permission of the court concerned.
- (xi) The petitioner/Accused No.2 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 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: 24.11.2022
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HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10170 of 2022

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CIVIL REVISION PETITION No.3578 of 2018

27.12.2021

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