

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10231 of 2022

ORDER:

1. Heard Sri Krishna Suman, learned counsel who argued on behalf of Sri M.Anil Kumar, learned counsel on record for the petitioner as well as the learned Additional Public Prosecutor who is representing the respondent.

2. This Criminal Petition is filed under Section 438 Cr.P.C. seeking for pre-arrest bail in favour of the petitioner, who is arrayed as Accused No.1 in Crime No.211 of 2022 of Keesara Police Station, Rachakonda Commissionerate.

3. Learned counsel for the petitioner states that the petitioner has not committed any offences whatsoever. Learned counsel also submits that it is the defacto complainant who had sold her property and the petitioner has nothing to do with the said property. Learned counsel further submits that the petitioner has neither committed the offence of cheating nor forgery and hence, the petitioner is before this Court.

4. On the other hand, the submission of the learned Additional Public Prosecutor is that, as per the contents of the complaint, the petitioner colluded with the other accused and created fictitious document, that too, impersonating the defacto complainant. Learned Additional Public Prosecutor states that the case is under investigation. A perusal of the complaint reveals that the case requires thorough investigation by collecting necessary documentary proof from the concerned Registrar Office apart from examining the relevant witnesses. However, nothing is brought to the notice of this Court the requirement of arrest of the petitioner for proceeding with the investigation.

5. Therefore, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

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

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

- (viii) In case the petitioner/Accused No.1 holds a passport, he shall surrender the same.
- (ix) The petitioner/Accused No.1 should ensure his presence whenever required by the Court or Police.
- (x) The petitioner/Accused No.1 shall not leave India without previous permission of the Court concerned.
- (xi) 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 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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