

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10298 OF 2022

ORDER:

Heard Sri S.Chandra Sekhar, learned counsel for the petitioner, as well as learned Additional Public Prosecutor, who is representing respondent-State.

2. Seeking the Court to grant of pre-arrest bail, the petitioner, who is arrayed as accused No.3 in Crime No.993 of 2022 of Malkajgiri Police Station, Rachakonda Commissionerate, is before this Court.

3. Learned counsel for the petitioner submits that there are no overt acts against the petitioner and indeed the petitioner has not committed any offence. Learned counsel states that even according to the contents of the complaint, the participation of the petitioner is nowhere indicated and it is accused Nos.1 and 2, according to the version of the *de facto* complainant, attacked him and caused injuries. Learned counsel referring to the contents of Remand Report of accused Nos.1 and 2 states that as per the said Remand Report, the *de facto* complainant sustained only simple

injuries. Learned counsel also states that taking into consideration those factors, the request of the petitioner may be considered.

4. The submission of the learned Additional Public Prosecutor, on the other hand, is that ten material witnesses were examined and accused Nos.1 and 2 were arrested.

5. Gone through the contents of the material available on record. In the complaint, as rightly submitted by the learned counsel for the petitioner, there are no specific direct allegations against the petitioner. However, investigation is pending. Taking into consideration the submission of the learned counsel for the petitioner, the material available on record and also the stage of investigation, this Court is of the view that the request of the petitioner can be honoured conditionally.

6. Resultantly, this Criminal Petition is allowed with the following conditions:-

- (i) The petitioner/accused No.3 is directed to surrender before the Court concerned within ten (10) days. On such surrender, he shall be

enlarged on bail on his executing a personal bond for Rs.30,000/- (Rupees Thirty Thousand Only) with two sureties for the 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) In case, the petitioner/accused No.3 holds a passport, he is directed to surrender the same.
- (iii) The petitioner/accused No.3 should not involve in any unlawful activity.
- (iv) The petitioner/accused No.3 should afford all assistance for proper investigation of the case.
- (v) The petitioner/accused No.3 should not cause the evidence of the offences disappear.
- (vi) The petitioner/accused No.3 should not tamper with the evidence in any manner.
- (vii) The petitioner/accused No.3 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) The petitioner/accused No.3 should ensure his presence whenever required by the Court or Police.

(ix) The petitioner/accused No.3 shall not leave India without previous permission of the Court concerned.

(x) The petitioner/accused No.3 shall report before the Station House Officer, Malkajgiri Police Station, Rachakonda Commissionerate, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioner/accused No.3 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 bail granted.

7. As a sequel, miscellaneous applications pending, if any, shall stand closed.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date: 28.11.2022

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