

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10378 of 2022

ORDER:

1. Heard Sri Y.Hema Chander, learned counsel for the petitioner as well as the learned Additional Solicitor General who represented Sri V.T.Kalyan.

2. This Criminal Petition, under Section 439 Cr.P.C., is filed seeking the Court to enlarge the petitioner, who is arrayed as Accused No.1 in SC.No.129 of 2021, on the file of the Court of Metropolitan Sessions Judge-cum-I Additional District and Sessions Judge, Cyberabad.

3. Making his submission, learned counsel for the petitioner contends that the petitioner is acutely ill and he may not survive for long time. Learned counsel states that though the allegations are grave in nature, considering the health condition of the petitioner, he may be enlarged on bail. Bringing to the notice of this Court the common order rendered by this Court in CrI.P.Nos.4094 and 4639 of 2022, learned counsel states that through the said order which was rendered on 29.06.2022, this Court directed the trial Court to complete the trial within a period of four months, but the trial is not yet commenced and in these

circumstances, the petitioner may be enlarged on bail on humanitarian grounds. The operative portion of the common order rendered by this Court in the aforementioned Criminal petitions, is as under:-

“Under these circumstances, the trial Court shall complete the process of trial by issuing summons to the witnesses and complete the trial within a period of four months from the date of this order. In the event of non-completion of trial, the petitioners are at liberty to move for bail.”

4. To know about the health condition of the petitioner, this Court called for the report of the Superintendent, Central Prison, Cherlapalli. On the letter addressed by the Assistant Registrar of the High Court, the Superintendent, Central Prison, Cherlapalli, submitted his report duly enclosing the Medical Certificate issued by the Medical Officer, Central Prison, Cherlapalli, with regard to the health condition of the petitioner. As per the said report, the petitioner is suffering with Stage-V Chronic Kidney disease. The findings given are as under:-

- *He revived treatment at Department of Nephrology, Gandhi Medical College initially and started on Hemodialysis in September 2021. Later he was shifted for further treatment to NIMS, Panjagutta.*
- *He developed Cystic Hemorrhage for which he has undergone surgery (Nephrectomy) at Department of Urology and continued Hemodialysis thrice a week at Department of Nephrology at NIMS, Panjagutta.*
- *He has poor prognosis, he needs Renal Transplantation, for that he applied in Jeevandan as suggested by HOD (Department of nephrology), NIMS Hospital.*
- *For his current health condition he is taking regular medication and series of health checkups in NIMS Hospital, Panjagutta. He getting diet as advised by Nephrology Department, NIMS Hospital from Central Prison, Cherlapalli.”*

5. Learned Additional Solicitor General submits that though the allegations are grave in nature, this Court may take into consideration the health condition of the petitioner and pass appropriate orders.

6. Having considered the submissions thus made, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

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

- (i) The petitioner/Accused No.1 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 of Metropolitan Sessions Judge-cum-I Additional District and Sessions Judge, Cyberabad. 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 if the same is not seized till now.
- (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 trial Court 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 trial Court by giving a fresh affidavit duly mentioning the change.

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

Dr. JUSTICE CHILLAKUR SUMALATHA

Date: 13.12.2022

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