

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10436 of 2022

ORDER:

1. Heard Sri Chandrashekar, learned counsel who argued on behalf of Sri M.Rajesh Babu Naik, learned counsel on record for the petitioners. Also heard the learned Additional Public Prosecutor who is representing the Respondent.

2. Seeking the Court to enlarge the petitioners, who are arrayed as Accused Nos.2 to 4 in S.C.No.255 of 2022, on the file of the Court of Principal District & Sessions Judge, Nagarkurnool, on bail, the present Criminal Petition is filed.

3. Learned counsel for the petitioners states that the petitioners are in judicial custody since 25.06.2022 and the entire investigation is completed and charge sheet is also laid and therefore, they may be enlarged on bail. Learned counsel states that even as per the version of the prosecution, the prime accused is Accused No.1.

4. On the other hand, learned Additional Public Prosecutor submits that the petitioners have committed heinous offence of killing a person and therefore, they are not entitled for bail.

5. The case of the prosecution is that there were disputes between the deceased-Shekar and Accused No.4. Accused No.1 is the brother of Accused No.4. Accused No.4 sought help of Accused No.1 to sort out the matter. On that, all the accused hatched a plan to eliminate the deceased and on 21.06.2022, all of them entered into the house of the deceased in the midnight and while Accused Nos.2 to 4 caught hold of the deceased, Accused No.1 cut throat of the deceased with an Axe due to which the deceased succumbed to injuries. Though the allegations are grave in nature, what could be perceived is that the petitioners are in judicial custody since more than five months. No reason is mentioned or no grounds are projected as to why the petitioners, as Under Trial Prisoners, have to be kept further in the judicial custody.

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

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

- (i) The petitioners/Accused Nos.2 to 4 shall be enlarged on bail on their executing a personal bond for Rs.1,00,000/- (Rupees One Lakh only) each 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 petitioners/Accused Nos.2 to 4 should not involve in any unlawful activity.
- (iii) The petitioners/Accused Nos.2 to 4 should afford all assistance for the proper investigation of the case.
- (iv) The petitioners/Accused Nos.2 to 4 should not cause the evidence of the offence disappear.

- (v) The petitioners/Accused Nos.2 to 4 should not tamper with the evidence in any manner.
- (vi) The petitioners/Accused Nos.2 to 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.
- (vii) In case the petitioners/Accused Nos.2 to 4 holds a passport, they shall surrender the same if the same is not seized till now.
- (viii) The petitioners/Accused Nos.2 to 4 should ensure their presence whenever required by the Court or Police.
- (ix) The petitioners/Accused Nos.2 to 4 shall not leave India without previous permission of the Court concerned.
- (x) The petitioners/Accused Nos.2 to 4 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 petitioners shall intimate the Court concerned 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: 15.12.2022

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