

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION Nos.10437 and 10438 of 2022

ORDER:

Heard Sri G.Seshadri, learned counsel for the petitioners, as well as learned Additional Public Prosecutor who is representing the respondent.

2. The present Criminal Petitions are filed under Section 439 Cr.P.C seeking the Court to enlarge the petitioners, who are arrayed as accused Nos.2 and 3 in Crime No.181 of 2022 of Central Crime Station, DD, Hyderabad, on bail.

3. Making his submission, learned counsel for the petitioners contended that the petitioners have not committed any offence whatsoever. Learned counsel states that alleging that the de facto complainant obtained cheques forcibly, a complaint was given by accused No.2 to Police on 29.7.2022, but Police high handedly closed the same and thereafter, registered a case against the petitioners and others. Learned counsel also submits that initially, a case was registered for the offences punishable under Sections 406, 420 and 506 r/w 34 IPC and Police called the petitioners and other accused to Police Station and

pressurized them to settle the matter and when they refused, Section 5 of the Telangana State Protection of Depositors of Financial Establishments Act, 1999, was added only because the said provision is non-bailable in nature.

On the other hand, the submission of the Learned Additional Public Prosecutor is that the petitioners and other accused cheated the de facto complainant and others to a tune of Rupees Six crores. However, learned Additional Public Prosecutor states that 12 material witnesses were examined till now. Therefore, it is clear that material part of investigation is completed.

It is reported that the petitioners are in judicial custody since 14.10.2022. Having perceived the fact of completion of material part of investigation, this Court does not find any other grounds so as to extend the period of detention of the petitioners. Therefore, this Court considers it desirable to honour the request of the petitioners, however conditionally.

7. Resultantly, these Criminal Petitions are allowed with the following conditions:-

- (i) The petitioners/accused Nos.2 and 3 shall be enlarged on bail on each of them executing a

personal bond for Rs.50,000/- (Rupees Fifty 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 petitioners/accused Nos.2 and 3 hold passport, they are directed to surrender the same, if they were not seized by now.

(iii) The petitioners/accused Nos.2 and 3 should not involve in any unlawful activity.

(iv) The petitioners/accused Nos.2 and 3 should afford all assistance for proper investigation of the case.

(v) The petitioners/accused Nos.2 and 3 should not cause the evidence of the offence disappear.

(vi) The petitioners/accused Nos.2 and 3 should not tamper with the evidence in any manner.

(vii) The petitioners/accused Nos.2 and 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 petitioners/accused Nos.2 and 3 should ensure their presence whenever required by the Court or Police.

(ix) The petitioners/accused Nos.2 and 3 shall not leave India without previous permission of the court concerned.

(x) The petitioners/accused Nos.2 and 3 shall report before the Station House Officer, Central Crime Station, DD, Hyderabad, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioners/accused Nos.2 and 3 shall file separate affidavits 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 separate fresh affidavits duly mentioning the change. They 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.

8. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

Dr. JUSTICE CHILLAKUR SUMALATHA

01.12.2022

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