

**HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA**

**CRIMINAL PETITION No.10489 of 2022**

**ORDER:**

1. Heard Sri C.Hari Preeth, learned counsel for the petitioner as well as the learned Additional Public Prosecutor who is representing the Respondent-State.

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.2 in P.R.C.No.19 of 2018, on the file of the Court of XII Additional Chief Metropolitan Magistrate, Hyderabad, on bail.

3. Making his submission, learned counsel for the petitioner contends that the petitioner, after his arrest at the crime stage, moved an application for grant of bail and bail was accordingly granted. The petitioner was released from judicial custody. Thereafter, the case got transferred from one police station to another. Subsequently, on filing of charge sheet, the petitioner was again arrested and was remanded to judicial custody. Learned counsel submits that the petitioner is in judicial custody since 70 days and therefore, he may be enlarged on bail.

4. On the other hand, the submission of the learned Additional Public Prosecutor is that on filing of charge sheet, summons were served upon the petitioner, but he failed to appear and therefore, non-bailable warrant was issued. Learned Additional Public Prosecutor submits that on execution of non-bailable warrant, the petitioner was arrested and remanded to judicial custody and therefore, neither the Police nor the Court were at fault.

5. In reply to the said submission, learned counsel for the petitioner states that the petitioner did not receive any such summons.

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.2 shall be enlarged on bail on his executing a personal bond for Rs.75,000/- (Rupees Seventy Five 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.2 should not involve in any unlawful activity.
- (iii) The petitioner/Accused No.2 should afford all assistance for the proper investigation of the case.
- (iv) The petitioner/Accused No.2 should not cause the evidence of the offence disappear.
- (v) The petitioner/Accused No.2 should not tamper with the evidence in any manner.
- (vi) The petitioner/Accused No.2 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.2 holds a passport, he shall surrender the same if the same is not seized till now.

- (viii) The petitioner/Accused No.2 should ensure his presence whenever required by the Court or Police.
- (ix) The petitioner/Accused No.2 shall not leave India without previous permission of the Court concerned.
- (x)The petitioner/Accused No.2 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.

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

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**Dr. JUSTICE CHILLAKUR SUMALATHA**

Date:23.12.2022

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