

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

***CRIMINAL PETITION No.10593 of 2022***

**ORDER:**

Heard Sri Ponnamm Ashok Goud, learned counsel, who argued on behalf of Sri T.Surya Satish, learned counsel on record for the petitioner, as well as learned Additional Public Prosecutor who is representing the respondent.

2. This Criminal Petition is filed under Section 438 Cr.P.C., seeking for pre-arrest bail in respect of the petitioner, who is arrayed as accused No.2 in Crime No.419 of 2022 of Vemulawada Police Station, on bail.

3. Learned counsel for the petitioner states that a false case is foisted against the petitioner and even as per the version of the prosecution, the defacto complainant went to hospital after receiving injuries and immediately, he went to Police Station and lodged complaint, which itself goes to show that the defacto complainant did not receive any grievous injuries. Learned counsel states that the case facts does not attract Section 307 IPC.

4. Learned counsel also submits that the accused No.1 gave complaint to Police against the defacto complainant

earlier that he committed offence punishable under Section 307 IPC and charge sheet was also filed, and as a counter-blast to the said complaint, the defacto complainant gave false complaint to Police against the petitioner and another.

5. The submission of the learned Additional Public Prosecutor is that as per the medical certificate issued by the doctor, the defacto complainant sustained three simple injuries. Learned Additional Public Prosecutor also states that eight witnesses were examined till now.

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

- (i) The petitioner/accused No.2 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.2 holds a passport, he is directed to surrender the same, if it is not seized by now.

(iii) The petitioner/accused No.2 should not involve in any unlawful activity.

(iv) The petitioner/accused No.2 should afford all assistance for proper investigation of the case.

(v) The petitioner/accused No.2 should not cause the evidence of the offence disappear.

(vi) The petitioner/accused No.2 should not tamper with the evidence in any manner.

(vii) 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.

(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 report before the Station House Officer, Vemulawada, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) 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. 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.

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

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**Dr. JUSTICE CHILLAKUR SUMALATHA**

06.12.2022  
dr