

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10778 of 2022

ORDER:

Heard Sri P.Prabhakar Reddy, learned counsel for the petitioner, as well as learned Additional Public Prosecutor who is representing the respondent.

2. This present Criminal Petition is filed under Section 439 Cr.P.C. seeking the Court to enlarge the petitioner, who is arrayed as accused No.8 in Crime No.214 of 2022 of Palakeedu Police Station, Suryapet District, on bail,

3. Learned counsel for the petitioner states that the petitioner has not committed any offence whatsoever and as per the directions of this Court in Criminal Petition No.9738 of 2022, dated 11.11.2022, the petitioner surrendered before the Court below and moved an application for grant of bail, but the said bail application filed by the petitioner was dismissed. Learned counsel also states that even as per the version of the prosecution, the petitioner has not committed any offence whatsoever and hence, he may be enlarged on bail.

4. Learned Additional Public Prosecutor, on the other hand, states that the petitioner received a sum of Rupees Two lakhs to kill the son of accused Nos.1 and 2, but he could not execute the said plan.

5. The contents of the material available on record also reveals that accused Nos.1 and 2 requested accused No.3 to help them in killing their son and on that, accused No.4 was contacted and accused No.4 requested the petitioner to kill the son of accused Nos.1 and 2 and the petitioner accepted to do the same and received a sum of Rupees Two lakhs, but he could not execute the plan.

6. Having considered the role played by the petitioner, as per the version of the prosecution as indicated above, this Court is of the view that the request of the petitioner for his enlargement on bail can be honoured, however conditionally.

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

- (i) The petitioner/accused No.8 shall be enlarged on bail on his 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 petitioner/accused No.8 holds a passport, he is directed to surrender the same, if it is not seized by now.

(iii) The petitioner/accused No.8 should not involve in any unlawful activity.

(iv) The petitioner/accused No.8 should afford all assistance for proper investigation of the case.

(v) The petitioner/accused No.8 should not cause the evidence of the offence disappear.

(vi) The petitioner/accused No.8 should not tamper with the evidence in any manner.

(vii) The petitioner/accused No.8 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.8 should ensure his presence whenever required by the Court or Police.

(ix) The petitioner/accused No.8 shall not leave India without previous permission of the court concerned.

(x) The petitioner/accused No.8 shall report before the Station House Officer, Palakeedu Police Station, Suryapet District, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioner/accused No.8 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

Dr. JUSTICE CHILLAKUR SUMALATHA

12.12.2022
DR