

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10853 of 2022

ORDER:

1. Heard Sri Lakshmi Kanth, learned counsel for the petitioners as well as the learned Additional Public Prosecutor who is representing the Respondent-State.

2. Seeking the Court to enlarge the petitioners, who are arrayed as Accused Nos.1 & 2 in Crime No.185 of 2022 of Mominpet Police Station, Vikarabad District, on bail, the present Criminal Petition is filed under Section 439 Cr.P.C.

3. Making his submission, learned counsel for the petitioners contends that the petitioners are in judicial custody since sixty three (63) days. Learned counsel states that the petitioners moved an application earlier vide CrI.P.No.9984 of 2022 and this Court dismissed the said Criminal petition on the ground that the investigation is still pending and as of now, the entire investigation is completed and therefore, the petitioners may be enlarged on bail.

4. On the other hand, the submission of the learned Additional Public Prosecutor is that the petitioners inflicted

grievous injuries upon the victim. However, learned Additional Public Prosecutor states that all material witnesses were examined and charge sheet could not be laid due to want of FSL report.

5. Having considered the submissions thus made, 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.1 & 2 shall be enlarged on bail on their executing a personal bond for Rs.50,000/- (Rupees Fifty Thousand 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.1 & 2 shall report before the Station House Officer, Mominpet Police Station, Vikarabad District, on every

Monday between 10.30 AM and 12.00 PM till filing of final report.

- (iii) The petitioners/Accused Nos.1 & 2 should not involve in any unlawful activity.
- (iv) The petitioners/Accused Nos.1 & 2 should afford all assistance for the proper investigation of the case.
- (v) The petitioners/Accused Nos.1 & 2 should not cause the evidence of the offence disappear.
- (vi) The petitioners/Accused Nos.1 & 2 should not tamper with the evidence in any manner.
- (vii) The petitioners/Accused Nos.1 & 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) In case the petitioners/Accused Nos.1 & 2 holds a passport, they shall surrender the same if the same is not seized till now.
- (ix) The petitioners/Accused Nos.1 & 2 should ensure their presence whenever required by the Court or Police.

- (x) The petitioners/Accused Nos.1 & 2 shall not leave India without previous permission of the court concerned.
- (xi) The petitioners/Accused Nos.1 & 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. 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.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date: 13.12.2022

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