HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION Nos.11084, 11085 and 11086 of 2022

COMMON ORDER:

Heard Sri Ponnam Ashok Goud, learned counsel, representing Sri Ponnam Mahesh Babu, learned counsel on record for the petitioner, as well as learned Additional Public Prosecutor who is representing the respondent-State.

2. These three Criminal Petitions are filed seeking the Court to enlarge a common person, who is arrayed as accused No.1 in C.C.Nos.1, 2 and 3 of 2022 on the file of the Court of Principal District and Sessions Judge, Nalgonda, on bail.

3. Making his submission, learned counsel for the petitioner contends that the petitioner is arrayed as accused No.1 in all the three Calendar Cases and as the petitioner met with an accident, he could not appear before the trial Court and the trial proceedings went on against the other accused and judgments were pronounced and later, the petitioner was arrested and was remanded to judicial custody. Learned counsel submits that all the said three Calendar Cases ended in acquittal against the other accused

and the petitioner is in judicial custody since 10.10.2022 and therefore, he may be enlarged on bail.

4. The submission of the learned Additional Public Prosecutor, on the other hand, is that the petitioner jumped the bail and absconded, and thereafter, he was traced, arrested and was produced before the Court concerned. The reason shown for absence is that the petitioner met with an accident and therefore, he could not attend the Court.

5. However, by the material available on record what could be found is that the petitioner failed to attend the trial Court for a long period of four years. Though in normal circumstances, the petitioner is not entitled for bail, taking into consideration the fact that the other accused were acquitted in all the three Calendar Cases, this Court is of the view that the request of the petitioner can be honoured, however conditionally.

6. Also, perceiving the negligence on part of the petitioner in attending the trial Court and as the petitioner did not adhere to the mandate of law that on obtaining bail, he has to attend the Court and face trial, this Court orders the

petitioner to pay a sum of Rs.10,000/- (Rupees Ten thousand only) in each case to Sainik Welfare Fund.

7. This Criminal Petition is allowed with the following conditions:-

(i) The petitioner/accused No.1 is directed to pay a sum of Rs.10,000/- (Rupees Ten thousand only) in each case to Sainik Welfare Fund and produce proof to that effect before the Court concerned. On production of such proof, he shall be enlarged on bail in each case on his executing a separate 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.1 holds a passport, he is directed to surrender the same, if it is not seized by now.

(iii) The petitioner/accused No.1 should not involve in any unlawful activity.

(iv) The petitioner/accused No.1 should not cause the evidence of the offence disappear.

(v) The petitioner/accused No.1 should not tamper with the evidence in any manner.

(vi) The petitioner/accused No.1 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) The petitioner/accused No.1 should ensure his presence whenever required by the Court or Police.

(viii) The petitioner/accused No.1 shall not leave India without previous permission of the court concerned.

(ix) The petitioner/accused No.1 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 afore-mentioned 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.

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

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Dr. JUSTICE CHILLAKUR SUMALATHA

20.12.2022
DR