

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.11124 of 2022

ORDER:

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

2. Seeking pre-arrest bail, the present Criminal Petition is filed under Section 438 Cr.P.C. on behalf of the petitioners, who are arrayed as Accused Nos.14 & 15 in Crime No.337 of 2022 of Vikarabad Town Police Station, Vikarabad District.

3. Making his submission, learned counsel for the petitioners contends that the petitioners have not committed any offences whatsoever. Learned counsel also states that indeed, the Station House Officer of Vikarabad Town Police Station had issued notice under Section 41-A Cr.P.C. to some of the accused and thereafter, though those accused have not deviated with any of the directions, they were arrested arbitrarily and remanded to judicial custody and the same thing would happen in respect of the petitioners also. Learned counsel also submits that the

dispute is purely civil in nature and therefore, anticipatory bail may be granted.

4. On the other hand, the learned Additional Public Prosecutor submits that the prime accused were well aware that the disputed property stands in the name of the *de facto* complainant, but they executed a General Power of Attorney in favour of the petitioners herein in respect of the said property. Learned counsel also submits that the *de facto* complainant, who visited her land, came to know that someone visited her land and started making constructions. The contents of the complaint also discloses the same. However, the learned Additional Public Prosecutor made a submission that eight (8) witnesses were examined till now. Therefore, it is clear that material part of investigation is completed. Also, it is not in dispute that notices under Section 41-A Cr.P.C. were issued to some of the accused.

5. Having considered all these aspects, 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.14 & 15 are directed to surrender before the concerned Court within ten (10) days. On such surrender, they 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.14 & 15 shall report before the Station House Officer, Vikarabad Town Police Station, Vikarabad District, on every Monday between 10.30 a.m. and 12:00 p.m. till filing of final report.
- (iii) The petitioners/Accused Nos.14 & 15 should not involve in any unlawful activity.

- (iv) The petitioners/Accused Nos.14 & 15 should afford all assistance for the proper investigation of the case.
- (v) The petitioners/Accused Nos.14 & 15 should not cause the evidence of the offence disappear.
- (vi) The petitioners/Accused Nos.14 & 15 should not tamper with the evidence in any manner.
- (vii) The petitioners/Accused Nos.14 & 15 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.14 & 15 holds a passport, they shall surrender the same.
- (ix) The petitioners/Accused Nos.14 & 15 should ensure their presence whenever required by the Court or Police.
- (x) The petitioners/Accused Nos.14 & 15 shall not leave India without previous permission of the Court concerned.
- (xi) The petitioners/Accused Nos.14 & 15 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 of the aforementioned details, the petitioners shall intimate the court concerned by giving fresh affidavits 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 pre-arrest bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date: 21.12.2022
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HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.11124 of 2022

Date:21.12.2022

ysk

CIVIL REVISION PETITION No.3578 of 2018

27.12.2021

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