

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.11175 of 2022

ORDER:

1. Heard Sri V.Raghunath, learned counsel for the petitioner as well as the learned Additional Public Prosecutor who is representing the Respondent-State.

2. This Criminal Petition, under Section 439 Cr.P.C., is filed seeking the Court to enlarge the petitioner, who is arrayed as Accused No.1 in Crime No.57 of 2022 of Central Crime Station, Hyderabad, on bail.

3. Making his submission, learned counsel for the petitioner contends that the petitioner has not cheated anyone and indeed, the petitioner is the victim. Bringing to the notice of this Court, the agreement of sale that was entered into by Sri P.Siddartha and Smt.P.Viraja Siddartha with MNR Housing Ventures and Constructions represented by the petitioner herein, learned counsel for the petitioner states that the petitioner, indeed, is a victim. Learned counsel submits that the petitioner, to resolve the civil dispute with his vendors, gave legal notice and thereafter, issued public notice. Learned counsel also submits that the petitioner gave complaint to police in

respect of the dispute and the same is registered as a case in Crime No.61 of 2022 of Vedurukuppam Police Station. Learned counsel states that the petitioner never intended to cheat anyone and the petitioner is in judicial custody since 02.11.2022 and as the entire investigation is also completed, he may be enlarged on bail.

4. The submission of the learned Additional Public Prosecutor is that believing the words of the petitioner, several persons took plots and paid amount and as the construction at the site was not commenced and as the amount was not refunded, the aggrieved gave complaint to police, basing on which a case was registered. Learned Additional Public Prosecutor states that twelve witnesses were examined till now.

5. By the submissions thus made, it is clear that the material part of investigation is completed. Also, it is not in dispute that the petitioner is in judicial custody since more than a month. The requirement of the petitioner to be in judicial custody for a further period is not projected.

Therefore, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

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

- (i) The petitioner/Accused No.1 shall be enlarged on bail on his executing a personal bond for Rs.1,00,000/- (Rupees One Lakh only) 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 petitioner/Accused No.1 shall report before the Station House Officer, Central Crime Station, Hyderabad, on every Monday between 10.30 AM and 12.00 PM till filing of final report.
- (iii) The petitioner/Accused No.1 should not involve in any unlawful activity.

- (iv) The petitioner/Accused No.1 should afford all assistance for the proper investigation of the case.
- (v) The petitioner/Accused No.1 should not cause the evidence of the offence disappear.
- (vi) The petitioner/Accused No.1 should not tamper with the evidence in any manner.
- (vii) 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.
- (viii) In case the petitioner/Accused No.1 holds a passport, he shall surrender the same if the same is not seized till now.
- (ix) The petitioner/Accused No.1 should ensure his presence whenever required by the Court or Police.
- (x) The petitioner/Accused No.1 shall not leave India without previous permission of the court concerned.
- (xi) 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 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.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date:19.12.2022
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