

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.11558 of 2022

ORDER:

Heard Sri K.Ajay Kumar, learned counsel for the petitioner, as well as learned Additional Public Prosecutor who is representing the respondent-State.

2. Seeking the Court to enlarge the petitioner, who is arrayed as accused No.5 in Crime No.148 of 2022 of Jannaram Police Station, Ramagundam District, on bail, the present Criminal Petition is filed under Section 439 Cr.P.C.

3. Making his submission, learned counsel for the petitioner states that the petitioner has not committed any offence whatsoever and even as per the version of the prosecution, the petitioner was present along with accused No.1 when the offence was committed and that does not mean that he participated in the act of killing deceased Nos.1 and 2. Learned counsel also states that the petitioner is in judicial custody since 13.10.2022 i.e., for more than two months and therefore, he may be enlarged on bail.

4. On the other hand, the submission of the learned Additional Public Prosecutor is that the petitioner and other

accused instigated accused No.1 to kill the parents of the defacto complainant and therefore, accused No.1 beat them with a stick and caused their death. Learned Additional Public Prosecutor also submits that twenty witnesses were examined till now.

5. Thus, by the submission of the learned Additional Public Prosecutor, it is clear that material part of investigation is completed. This Court does not find any grounds whatsoever for keeping the petitioner in judicial custody for a longer period. Even as per the version of the prosecution, the petitioner being present at the scene of offence has instigated accused No.1. Having considered all these facts, this Court considers it desirable to enlarge the petitioner-accused No.5 on bail, however conditionally.

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

- (i) The petitioner/accused No.5 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.5 holds a passport, he is directed to surrender the same, if it is not seized by now.

(iii) The petitioner/accused No.5 should not involve in any unlawful activity.

(iv) The petitioner/accused No.5 should afford all assistance for proper investigation of the case.

(v) The petitioner/accused No.5 should not cause the evidence of the offence disappear.

(vi) The petitioner/accused No.5 should not tamper with the evidence in any manner.

(vii) The petitioner/accused No.5 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.5 should ensure his presence whenever required by the Court or Police.

(ix) The petitioner/accused No.5 shall not leave India without previous permission of the court concerned.

(x) The petitioner/accused No.5 shall report before the Station House Officer, Jannaram Police Station, Ramagundam District, on every Monday and Thursday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioner/accused No.5 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.

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

Dr. JUSTICE CHILLAKUR SUMALATHA

29.12.2022
DR