

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.540 of 2023

ORDER:

Heard Sri A.Prabhakar Rao, learned counsel for the petitioners, as well as learned Additional Public Prosecutor who is representing the respondent-State.

2. Seeking for post-arrest bail, this Criminal Petition is filed under Section 439 Cr.P.C. by accused Nos.13 and 15 in Crime No.170 of 2022 of Mulugu Police Station, Mulugu District.

3. The case of the prosecution in nut-shell is that due to rivalry between the deceased-Malla Reddy and the prime accused i.e., accused Nos.1 to 3, accused Nos.1 to 3 hatched a plan to kill the deceased-Malla Reddy, hired some persons and executed the said plan.

4. Making his submission, learned counsel for the petitioners contends that even as per the version of the prosecution, the petitioners, who are arrayed as accused Nos.13 and 15, have committed offence punishable under Section 212 IPC. Learned counsel states that the petitioners have not committed the offence of killing the deceased-Malla

Reddy and even as per the version of the prosecution, they did not participate in any of the said acts. Learned counsel has brought to the notice of this Court the contents of the charge sheet. Learned counsel states that the petitioners are in judicial custody since 11.8.2022.

5. As per the contents of the charge sheet, petitioner No.1 i.e., accused No.13 supplied some First aid items to treat the injury of accused No.8 and he also supplied liquor to accused Nos.6, 8, 11 and 12. Likewise, petitioner No.2 i.e., accused No.15 provided shelter to accused Nos.9 and 14 after they committed the crime.

6. Learned Additional Public Prosecutor, making his submission, contends that series of bail applications filed by other accused were dismissed by this Court and the Government made a request to the High Court for constitution of a Special Court to try the case and therefore, the petitioners are not entitled for bail.

7. Learned Additional Public Prosecutor did not deny the fact that the petitioners are in judicial custody since five months. Also, learned Additional Public Prosecutor did not state any other role played by the petitioners apart from the

role that is brought to the notice of this Court, by the learned counsel for the petitioners, referring the contents of the charge sheet. Learned Additional Public Prosecutor, however also states that these petitioners provided required logistics to the other accused.

8. Taking into consideration the fact of completion of investigation and filing of charge sheet and also the limited role played by the petitioners, even as per the version of the prosecution, this Court is of the view that the request of the petitioners can be honoured.

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

- (i) The petitioners/accused Nos.13 and 15 shall be enlarged on bail on each of them 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 petitioners/accused Nos.13 and 15 hold passport, they are directed to surrender the same, if they were not seized by now.

(iii) The petitioners/accused Nos.13 and 15 should not involve in any unlawful activity.

(iv)The petitioners/accused Nos.13 and 15 should not cause the evidence of the offence disappear.

(v) The petitioners/accused Nos.13 and 15 should not tamper with the evidence in any manner.

(vi) The petitioners/accused Nos.13 and 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.

(vii) The petitioners/accused Nos.13 and 15 should ensure their presence whenever required by the Court or Police.

(viii) The petitioners/accused Nos.13 and 15 shall not leave India without previous permission of the court concerned.

(ix) The petitioners/accused Nos.13 and 15 shall file separate affidavits 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 petitioners shall intimate the court concerned by giving separate fresh affidavits duly mentioning the change.

Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the bail granted.

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

Dr. JUSTICE CHILLAKUR SUMALATHA

30.01.2023
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