

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.544 of 2023

ORDER:

Heard Sri Ramesh Kumar Boddu, learned counsel for the petitioners, as well as learned Additional Public Prosecutor who is representing the respondent-State.

2. This is an application filed under Section 438 Cr.P.C., seeking the Court to grant pre-arrest bail. The petitioners, who are arrayed as accused Nos.3 and 2 in Crime No.38 of 2023 of Medipally Police Station, Rachakonda Commissionerate, are before this Court.

3. Learned counsel for the petitioners states that the petitioners did not commit any offence whatsoever and in fact, there are disputes regarding division of properties between the petitioners on one hand and the defacto complainant and his men on the other hand and a small incident occurred between them, basing on which, the alleged victim in the present case gave complaint and another complaint was given by the father of petitioner No.1 and the same is registered as case in Crime No.39 of 2023 of Medipally Police Station. Learned counsel also states that

accused No.1 was arrested and was also enlarged on bail and as the petitioners are innocent, anticipatory bail may be granted.

4. On the other hand, the submission of the learned Additional Public Prosecutor is that the Section of law was altered from 324 IPC to 326 IPC as the victim sustained grievous injuries. However, the fact that accused No.1 was enlarged on bail is not in dispute.

5. Considering the said fact and also the presence of a counter-case, this Court is of the view that the request of the petitioners can be honoured, however conditionally.

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

- (i) The petitioners/accused Nos.2 and 3 are directed to surrender before the Court concerned within ten (10) days. On such surrender, they shall be enlarged on bail on each of them executing a personal bond for Rs.25,000/- (Rupees Twenty five 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) The petitioners/accused Nos.2 and 3 hold passports, they are directed to surrender the same.

(iii) The petitioners/accused Nos.2 and 3 should not involve in any unlawful activity.

(iv) The petitioners/accused Nos.2 and 3 should afford all assistance for proper investigation of the case.

(v) The petitioners/accused Nos.2 and 3 should not cause the evidence of the offence disappear.

(vi) The petitioners/accused Nos.2 and 3 should not tamper with the evidence in any manner.

(vii) The petitioners/accused Nos.2 and 3 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 petitioners/accused Nos.2 and 3 should ensure their presence whenever required by the Court or Police.

(ix) The petitioners/accused Nos.2 and 3 shall not leave India without previous permission of the court concerned.

(x) The petitioners/accused Nos.2 and 3 shall report before the Station House Officer, Medipally Police Station, Rachakonda Commissionerate on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioners/accused Nos.2 and 3 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 fresh separate 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 bail granted.

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

Dr. JUSTICE CHILLAKUR SUMALATHA

27.01.2023
DR