

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.561 of 2023

ORDER:

1. Heard Smt.G.Uma Rani, learned counsel for the petitioners as well as the learned Additional Public Prosecutor who is representing the Respondent-State.
2. This Criminal Petition is filed under Section 439 Cr.P.C. seeking the Court to enlarge the petitioners, who are arrayed as Accused Nos.7 & 8 in Crime No.827 of 2022 of Patancheru Police Station, Sangareddy District, on bail.
3. As per the version of the prosecution, the petitioners have committed offences punishable under Sections 395, 363 read with 34 IPC.
4. The submission of the learned counsel for the petitioners is that the petitioners have not committed any offences whatsoever and indeed, as per the contents of the Remand Case Diary, these petitioners were called by Accused No.5, to the place of incident, to show his domination at the village area. Learned counsel also states that Test Identification Parade was conducted. However, the alleged victims failed to identify the petitioners.

5. On the other hand, the submission of the learned Additional Public Prosecutor is that the petitioners were identified by the victims. However, learned Additional Public Prosecutor did not deny the fact that the petitioners were called by Accused No.5 to the place of incident. The submission of the learned Additional Public Prosecutor that twelve (12) material witnesses were already examined, goes to show that material part of investigation is completed. Therefore, 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.7 & 8 shall be enlarged on bail on their executing a personal bond for Rs.25,000/- (Rupees Twenty Five 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.7 & 8 shall report before the Station House Officer, Patancheru Police Station, on every Monday between 10.30 AM and 12.00 PM till filing of final report.
- (iii) The petitioners/Accused Nos.7 & 8 should not involve in any unlawful activity.
- (iv) The petitioners/Accused Nos.7 & 8 should afford all assistance for the proper investigation of the case.
- (v) The petitioners/Accused Nos.7 & 8 should not cause the evidence of the offence disappear.
- (vi) The petitioners/Accused Nos.7 & 8 should not tamper with the evidence in any manner.
- (vii) The petitioners/Accused Nos.7 & 8 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.7 & 8 hold a passport, they shall surrender the same if the same is not seized till now.

- (ix) The petitioners/Accused Nos.7 & 8 should ensure their presence whenever required by the Court or Police.
- (x) The petitioners/Accused Nos.7 & 8 shall not leave India without previous permission of the Court concerned.
- (xi) The petitioners/Accused Nos.7 & 8 shall file 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 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.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date:02.02.2023

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