

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.651 of 2023

ORDER:

Heard Sri A.Prabhakar Rao, 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.10 in Crime No.170 of 2022 of Mulugu Police Station, on bail.

3. Making his submission, learned counsel for the petitioner contends that the petitioner has not committed any offence whatsoever and even as per the version of the prosecution, the petitioner gave his vehicle to the other accused for commission of the crime. Learned counsel states that the alleged vehicle does not even stand in the name of the petitioner and it indeed stands in the name of one of the prosecution witnesses i.e., L.W.27. Learned counsel also states that the petitioner is in judicial custody since 10.8.2022 and therefore, he may be enlarged on bail.

4. Per contra, the submission of the learned Additional Public Prosecutor is that the petitioner is the relative of accused No.1 and he gave his car to accused No.1 and that car was used prior to and after commission of the offence. Learned counsel also states that after killing of the deceased-Malla Reddy, the accused celebrated a party at a hotel and room at the said hotel was also booked by the petitioner and the relevant records reveal the same.

5. A perusal of the contents of the charge sheet goes to shows that the alleged handing over of car is based on the confessional statement of the petitioner. Further, in the charge sheet itself, it is stated that the son of accused No.1 i.e., accused No.5 requested his father i.e., accused No.1 to give money for celebrating party and accordingly, Rupees Twenty thousand was transferred to accused No.10. It is also mentioned that the engagement was performed to the daughter of accused No.1 on 03.8.2022. Thus, having considered these factors, for what purpose the hotel room was booked by the petitioner-accused No.10 has to be known through the evidence that would be produced by the

prosecuting agency and the accused, if any, before the trial Court.

6. As of now, even if the version of the prosecuting agency is taken to be true, the participation of the petitioner is passive. Further, charge sheet is laid on completion of investigation. Thus, considering these factors, more particularly that not so grave allegations are made against the petitioner, this Court is of the view that the request of the petitioner can be honoured, however conditionally.

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

- (i) The petitioner/accused No.10 shall be enlarged on bail on his executing a personal bond for Rs.75,000/- (Rupees Seventy 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) In case, the petitioner/accused No.10 holds a passport, he is directed to surrender the same, if it is not seized by now.

(iii) The petitioner/accused No.10 should not involve in any unlawful activity.

(iv) The petitioner/accused No.10 is directed not to leave the jurisdictional limits of Mulugu District till completion of trial. In case, the petitioner intends to do so for any justifiable cause, he shall move an application seeking necessary permission to that effect before the trial Court and on obtaining the required permission, he can leave.

(v) The petitioner/accused No.10 should not cause the evidence of the offence disappear.

(vi) The petitioner/accused No.10 should not tamper with the evidence in any manner.

(vii) The petitioner/accused No.10 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.10 should ensure his presence whenever required by the Court or Police.

(ix) The petitioner/accused No.10 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.

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

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

Dr. JUSTICE CHILLAKUR SUMALATHA

06.02.2023
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