

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.622 of 2023

ORDER:

Heard Sri Vishnu Vardhan Reddy, learned counsel, who argued on behalf of Sri N.Vishal, learned counsel on record for the petitioner, as well as the learned Additional Public Prosecutor who is representing the respondent-State.

2. Seeking the Court to enlarge the petitioner, who is arrayed as accused No.28 in Crime No.486 of 2022 of Adibatla Police Station, Rachakonda, on bail, the present Criminal Petition is filed under Section 439 Cr.P.C.

3. Learned counsel for the petitioner contends that the petitioner is working as Manager under accused No.1 and he is not involved in any of the activities or the acts alleged to have been committed by accused No.1 or other accused, but as he is an employee of accused No.1, he is implicated in a false case and therefore, he may be enlarged on bail. Learned counsel also submits that except accused Nos.1, 2 and the petitioner, all other accused were enlarged on bail and the investigation is also completed and therefore, the petitioner may be enlarged on bail.

4. On the other hand, the learned Additional Public Prosecutor states that the petitioner and other accused, on the instructions of accused No.1, kidnapped the victim girl. Learned Additional Public Prosecutor also states that 21 witnesses were examined till now.

5. The case of the prosecution, as could be perceived through the material available on record, is that accused No.1 got acquainted with the victim girl and later, when accused No.1 came to know that there is a proposal of marriage of the victim girl, he along with other accused went to the house of the victim girl, attacked her father and damaged the household articles and further, took away the victim girl and thereafter, sent her back.

6. By the submission of the learned Additional Public Prosecutor, it is clear that material part of investigation is completed. Also, by the submission of the learned counsel for the petitioner what could be perceived is that the petitioner is in judicial custody since more than 40 days.

7. Having considered all these factors, more particularly, the stage of investigation, this Court is of the view that the

request of the petitioner can be honoured however conditionally.

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

(i) The petitioner/accused No.28 shall be enlarged on bail on his 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) In case, the petitioner/accused No.28 holds a passport, he is directed to surrender the same, if it is not seized by now.

(iii) The petitioner/accused No.28 should not involve in any unlawful activity.

(iv) The petitioner/accused No.28 should afford all assistance for proper investigation of the case.

(v) The petitioner/accused No.28 should not cause the evidence of the offence disappear.

(vi) The petitioner/accused No.28 should not tamper with the evidence in any manner.

(vii) The petitioner/accused No.28 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.28 should ensure his presence whenever required by the Court or Police.

(ix) The petitioner/accused No.28 shall not leave India without previous permission of the court concerned.

(x) The petitioner/accused No.28 shall report before the Station House Officer, Adibatla Police Station, Rachakonda, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioner/accused No.28 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.

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

Dr. JUSTICE CHILLAKUR SUMALATHA

27.01.2023
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