

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.652 of 2023

ORDER:

1. Heard Sri N.Chandrasekhar, learned counsel for the petitioner, the learned Additional Public Prosecutor who is representing Respondent No.1-State and also Smt.V.Chaitanya, who is representing Respondent No.2.

2. This Criminal Petition is filed under Section 438 Cr.P.C. on behalf of the petitioner for grant of pre-arrest bail in respect of the case in Crime No.51 of 2022 of Central Crime Station, Hyderabad.

3. Stating that the petitioner is not arrayed as Accused in the case in question, learned counsel for the petitioner contends that a notice was issued to the petitioner by the concerned Police to produce a Will Deed and as the petitioner was not in possession of the said Will Deed, he immediately gave a reply to the Police to that effect. But, there is apprehension of arrest by Police and therefore, the petitioner has moved the present application.

4. The submission of the learned counsel appearing for the 2nd respondent is that the petitioner is hand-in-glove with the

other accused and therefore investigation with regard to the culpability of the petitioner has to go on.

5. Similar submission is made by the learned Additional Public Prosecutor also.

6. In reply to the submissions thus made, learned counsel for the petitioner submitted that anticipatory bail was granted in favour of Accused Nos.4 & 5, who are none other than the father and brother of the petitioner and hence, the relief sought for, may be granted.

7. Admittedly, the petitioner is not arrayed as Accused even in the private complaint that is filed by the 2nd respondent/*de facto* complainant.

8. By the submissions made by the learned Additional Public Prosecutor and the learned counsel appearing for the 2nd respondent, investigation is still in progress. It is not in dispute that on issuance of notice by the concerned Police calling for certain information, the petitioner promptly responded. Therefore, this Court is of the view that the request of the petitioner can be honoured.

9. In the result, the Criminal Petition is allowed with the following conditions:-

- (i) In the event of arraying the petitioner as Accused in Crime No.51 of 2022 of Central Crime Station, Hyderabad, the petitioner is directed to surrender before the concerned Court within ten (10) days. On such surrender, he shall be enlarged on bail on his executing a personal bond for Rs.30,000/- (Rupees Thirty Thousand only) 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 petitioner/Accused should not involve in any unlawful activity.
- (iii) The petitioner/Accused should afford all assistance for the proper investigation of the case.
- (iv) The petitioner/Accused should not cause the evidence of the offence disappear.
- (v) The petitioner/Accused should not tamper with the evidence in any manner.

- (vi) The petitioner/Accused 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) In case the petitioner/Accused holds a passport, he shall surrender the same.
- (viii) The petitioner/Accused should ensure his presence whenever required by the Court or Police.
- (ix) The petitioner/Accused shall not leave India without previous permission of the Court concerned.
- (x) The petitioner/Accused 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 of 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 pre-arrest bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date: 16.02.2023
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