

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.667 of 2023

ORDER:

1. The petitioner, who is arrayed as Accused No.15 in Crime No.2 of 2023 of VI Town Police Station, Nizamabad, is before this Court seeking pre-arrest bail under Section 438 Cr.P.C.

2. Heard Sri M.A.K.Mukheed, learned counsel for the petitioner as well as the learned Additional Public Prosecutor who is representing Respondent-State.

3. Learned counsel for the petitioner contends that the petitioner did not commit any offence whatsoever and there are no allegations, either direct or indirect, against the petitioner except a statement that the petitioner exhibited his intention in participation of the offence and that does not mean that he participated and therefore, anticipatory bail may be granted.

4. On the other hand, the submission of the learned Additional Public Prosecutor is that the petitioner, along with Accused Nos.2 to 14, used to involve in settlement of land disputes and in that regard, there were disputes

between the accused, including the petitioner, on one hand and the deceased-Ibrahim Choush on the other hand and on the date of incident, while the deceased-Ibrahim Choush was at a birthday party, he was attacked and was killed. However, learned Additional Public Prosecutor did not deny the fact of absence of the petitioner at the scene of offence. Also, the case against the petitioner mainly rests on the alleged confessional statement given by Accused No.2.

5. Having considered these factors, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

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

- (i) The petitioner/Accused No.15 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.50,000/- (Rupees Fifty 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 No.15 shall report before the Station House Officer, VI Town Police Station, Nizamabad, on every Sunday and Thursday between 10.30 a.m. and 12:00 p.m. till filing of final report.
- (iii) The petitioner/Accused No.15 should not involve in any unlawful activity.
- (iv) The petitioner/Accused No.15 should afford all assistance for the proper investigation of the case.
- (v) The petitioner/Accused No.15 should not cause the evidence of the offence disappear.
- (vi) The petitioner/Accused No.15 should not tamper with the evidence in any manner.
- (vii) The petitioner/Accused No.15 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 petitioner/Accused No.15 holds a passport, he shall surrender the same.
- (ix) The petitioner/Accused No.15 should ensure his presence whenever required by the Court or Police.
- (x) The petitioner/Accused No.15 shall not leave India without previous permission of the Court concerned.
- (xi) The petitioner/Accused No.15 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:30.01.2023
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CRIMINAL PETITION No.667 of 2023

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CIVIL REVISION PETITION No.3578 of 2018

27.12.2021

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