

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.779 of 2023

ORDER:

Heard Sri Naseerudddin Khan, learned counsel, who argued on behalf of Sri S.Nagesh Reddy, learned counsel on record for the petitioners, as well as learned Additional Public Prosecutor who is representing the respondent-State.

2. Seeking pre-arrest bail, the petitioners who are arrayed as accused Nos.4 and 5 in Crime No.355 of 2022 of Chatrinaka Police Station, Hyderabad, are before this Court through this Criminal Petition filed under Section 438 Cr.P.C.

3. Making his submission, learned counsel for the petitioners states that the petitioners have not committed any offence whatsoever and the participation of the petitioners is not narrated anywhere and further, the case does not fall within the ambit of Section 307 IPC and hence, anticipatory bail may be granted.

4. On the other hand, the submission of the Learned Additional Public Prosecutor is that in the complaint itself, the participation of petitioner No.1 i.e., accused No.4 is clearly narrated and the defacto complainant made a

statement that petitioner No.1 and two others beat him. Learned Additional Public Prosecutor also contends that the victim sustained grievous injuries and the case is still under investigation.

5. Record discloses justification in the submission of the learned Additional Public Prosecutor. So far as petitioner No.1 is concerned, as grave allegations are directed against him, this Court is of the view that his request cannot be honoured, that too pending investigation. So far as petitioner No.2 is concerned, this Court considers that pre-arrest bail can be granted in his favour, however conditionally.

6. Resultantly, this Criminal Petition is allowed in part with the following conditions:-

- (i) Petitioner No.2/accused No.5 is directed to surrender before the Court concerned within ten (10) days. On such surrender, he 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, Petitioner No.2/accused No.5 holds a passport, he is directed to surrender the same.

(iii) Petitioner No.2/accused No.5 should not involve in any unlawful activity.

(iv) Petitioner No.2/accused No.5 should afford all assistance for proper investigation of the case.

(v) Petitioner No.2/accused No.5 should not cause the evidence of the offence disappear.

(vi) Petitioner No.2/accused No.5 should not tamper with the evidence in any manner.

(vii) Petitioner No.2/accused No.5 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) Petitioner No.2/accused No.5 should ensure his presence whenever required by the Court or Police.

(ix) Petitioner No.2/accused No.5 shall not leave India without previous permission of the court concerned.

(x) Petitioner No.2/accused No.5 shall report before the Station House Officer, Chatrinaka Police Station, Hyderabad, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) Petitioner No.2/accused No.5 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.

7. The Criminal Petition so far as petitioner No.1 i.e., accused No.4 is concerned, stands dismissed.
8. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

Dr. JUSTICE CHILLAKUR SUMALATHA

02.02.2023
DR