

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1238 of 2023

ORDER:

1. This Criminal Petition, under Section 439 Cr.P.C., is filed seeking the Court to enlarge the petitioner, who is arrayed as Accused No.2 in Crime No.297 of 2022 of Bhongir Town Police Station, on bail.

2. Heard Sri Kiran Palakurthi, learned counsel for the petitioner as well as the learned Additional Public Prosecutor who is representing the Respondent-State.

3. Stating that the petitioner has not committed any offences, whatsoever, learned counsel for the petitioner submits that only because the petitioner is the brother of Accused No.1, he is implicated in a false case. Learned counsel also states that basing on a private complaint filed, a case was registered. Learned counsel further submits that the petitioner moved an application for grant of anticipatory bail and the same was dismissed, however, directing the petitioner to surrender before the concerned Court and the concerned Court was directed to dispose of the bail application on the same day. Learned counsel states that basing on the order issued, the petitioner surrendered before

the concerned Court and moved an application for grant of bail, but the same was dismissed. Learned counsel also states that the petitioner is in judicial custody since 01.02.2023 and thereby seeks to enlarge the petitioner on bail.

4. The submission of the learned Additional Public Prosecutor, on the other hand, is that the petitioner is involved in six other criminal cases. Learned Additional Public Prosecutor further submits that the case is still under investigation as the victims are more in number.

5. As per the contents of the complaint, Accused No.1 made several persons to invest huge money by promising 100% returns, but failed to keep up the promise and thereby cheated the public. At Para 16 of the complaint, it is mentioned that the petitioner herein and the wife of Accused No.1 delivered statements admitting that Accused No.1 collected money from the public in the name of Real Estate Investment Scheme. Except the said part, nowhere in the complaint there are any other allegations against the petitioner herein. However, the submission of the learned Additional Public Prosecutor is that the case is still under

investigation and the involvement of the petitioner is yet to be culled out.

6. Having considered all these aspects, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

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

- (i) The petitioner/Accused No.2 shall be enlarged on bail on his executing a personal bond for Rs.75,000/- (Rupees Seventy Five 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.2 shall report before the Station House Officer, Bhongir Town Police Station, on every Monday between 10.30 A.M and 12.00 P.M till filing of final report.
- (iii) The petitioner/Accused No.2 should not involve in any unlawful activity.

- (iv) The petitioner/Accused No.2 should afford all assistance for the proper investigation of the case.
- (v) The petitioner/Accused No.2 should not cause the evidence of the offence disappear.
- (vi) The petitioner/Accused No.2 should not tamper with the evidence in any manner.
- (vii) The petitioner/Accused No.2 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.2 holds a passport, he shall surrender the same if the same is not seized till now.
- (ix) The petitioner/Accused No.2 should ensure his presence whenever required by the Court or Police.
- (x) The petitioner/Accused No.2 shall not leave India without previous permission of the Court concerned.
- (xi) The petitioner/Accused No.2 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.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date:14.02.2023

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