

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1278 of 2023

ORDER:

This Criminal Petition is filed under Section 439 Cr.P.C seeking the Court to enlarge the petitioner, who is arrayed as accused No.2 in Crime No.10 of 2023 of Dabeerpura Police Station, Hyderabad, on bail.

2. Heard Sri Mohd. Muzafferullah Khan, learned counsel for the petitioner, as well as the learned Additional Public Prosecutor who is representing the respondent-State.

3. Seeking the relief sought, learned counsel for the petitioner contends that the petitioner has not committed any offence whatsoever, but a false case is foisted against him that he committed an offence punishable under Section 109 IPC and the petitioner is in judicial custody since 18.01.2023 and therefore, he may be enlarged on bail.

4. On the other hand, the submission of learned Additional Public Prosecutor is that there are several criminal cases that are pending against the petitioner. Learned Additional Public Prosecutor also states that the defacto

complainant is the Sub-Inspector of Police and Police personnel were attacked and threatened by the petitioner.

5. As per the contents of the material available on record, more particularly, Part-I Case Diary basing on the previous incident that occurred, however, on the same intervening night, the prosecuting agency held that the petitioner has committed offence punishable under Section 109 IPC.

6. As per the submission of the learned Additional Public Prosecutor, twelve (12) material witnesses were examined till now.

7. Thus, it is clear that the material part of investigation is completed. Therefore, 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.2 shall be enlarged on bail on his executing a personal bond for Rs.30,000/- (Rupees Thirty 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.2 holds a passport, he is directed to surrender the same, if it is not seized by now.

(iii) The petitioner/accused No.2 should not involve in any unlawful activity.

(iv) The petitioner/accused No.2 should afford all assistance for 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) The petitioner/accused No.2 should ensure his presence whenever required by the Court or Police.

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

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

(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.

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

Dr. JUSTICE CHILLAKUR SUMALATHA

14.02.2023
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