

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1277 of 2023

ORDER:

1. Heard the submission of Sri Mazher Ali Khan, learned counsel for the petitioner, as well as the learned Additional Public Prosecutor who is representing the respondent-State.

2. Seeking pre-arrest bail, the petitioner, who is arrayed as Accused in Crime No.609 of 2022 of Banjara Hills Police Station, Hyderabad, is before this Court.

3. Making his submission, learned counsel for the petitioner states that only because of business rivalry, the *de-facto* complainant foisted a false case against the petitioner and the petitioner did not commit any offence whatsoever. Learned counsel submits that the *de-facto* complainant filed a private complaint basing on which a case was registered and indeed, there is no material on record to show that the petitioner committed any of the offences as indicated in the First Information Report. Learned counsel further submits that the petitioner would

abide by any of the conditions imposed and therefore, anticipatory bail may be granted.

4. On the other hand, the submission of the learned Additional Public Prosecutor is that the petitioner cheated the *de-facto* complainant.

5. As per the contents of the complaint, the petitioner took jewellery from the *de-facto* complainant promising to hand over the sale proceedings after selling them or return those items within 15 days. But, he neither returned the gold items nor gave the sale proceedings.

6. The submissions of learned counsel for the petitioner, as earlier indicated, is that due to business rivalry, a false private complaint was lodged.

7. Nothing is brought on record as to why there is requirement of arrest of the petitioner and for remanding him to judicial custody.

8. Having considered the submissions thus made and as the requirement of arrest of the petitioner is not indicated by the prosecuting agency, this Court considers

desirable to honour the request of the petitioner, however, conditionally.

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

- (i) The petitioner/Accused 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.1,00,000/- (Rupees One lakh 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 shall report before the Station House Officer, Banjara Hills Police Station, Hyderabad on every Monday and Thursday between 10.30 a.m. and 12:00 p.m. till filing of final report.
- (iii) The petitioner/Accused should not involve in any unlawful activity.

- (iv) The petitioner/Accused should afford all assistance for the proper investigation of the case.
- (v) The petitioner/Accused should not cause the evidence of the offence disappear.
- (vi) The petitioner/Accused should not tamper with the evidence in any manner.
- (vii) 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.
- (viii) In case the petitioner/Accused holds a passport, he shall surrender the same.
- (ix) The petitioner/Accused should ensure his presence whenever required by the Court or Police.
- (x) The petitioner/Accused shall not leave India without previous permission of the Court concerned.
- (xi) 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: 14.02.2023

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HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1277 of 2023

Date:14.02.2023

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CIVIL REVISION PETITION No.3578 of 2018

27.12.2021

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