

**HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA**

CRIMINAL PETITION No.1446 of 2023

ORDER:

Heard Sri P.Sriharinath, learned counsel, who argued on behalf of Sri M.Parma Reddy, learned counsel on record for the petitioner, as well as the learned Additional Public Prosecutor who is representing the respondent-State.

2. This Criminal Petition is filed under Section 439 Cr.P.C. seeking the Court to enlarge the petitioner, who is arrayed as accused in Crime No.139 of 2022 of Basheerabad Police Station, Vikarabad, on bail.

3. The case of the prosecution, as could be perceived through the contents of the material available on record, more particularly the complaint, is that the defacto complainant who is a Police constable was performing his duty near Ambedkar Chouratsa, Indrachod Village, on 19.12.2022 and at about 2.00 am., a tractor which is attached to a trolley containing sand was found moving on the road. On that, the defacto complainant questioned the driver about the transportation of sand. On that, the said driver asked the defacto complainant to move away and

threatened to kill him if he does not move, by hitting him with the tractor. The driver of the tractor by stating so, moved the tractor and hit the defacto complainant and the defacto complainant fell down. The tractor moved over the legs of the defacto complainant, due to which he sustained injuries.

4. Stating that the version of the defacto complainant is false, learned counsel for the petitioner submits that while the petitioner, who is the driver of the tractor, was driving the tractor, the defacto complainant stopped the tractor, and demanded bribe for permitting the tractor to proceed further. The tractor was in motion at that time. The petitioner did not respond and on that, the defacto complainant tried to remove the key from the tractor so that he can stop it, but he could maintain balance and thereby, he fell down and the tractor, which was in motion moved over the legs of the defacto complainant. Learned counsel for the petitioner further submits that the petitioner is in judicial custody since more than two months and therefore, he may be enlarged on bail.

5. On the other hand, the submission of the learned Additional Public Prosecutor is that in the case on hand, the

injured is a Police constable and he sustained injuries and underwent three surgeries. Learned Additional Public Prosecutor also states that the case is still under investigation. However, ten material witnesses were examined till now.

6. Thus by the submissions made, it is clear that the petitioner is in judicial custody since two months and that material part of investigation is completed. Therefore, this Court is of the view that the request of the petitioner can be honoured, however conditionally.

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

(i) The petitioner/accused shall be enlarged on bail on his executing a personal bond for Rs.75,000/- (Rupees Seventy 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, the petitioner/accused holds a passport, he is directed to surrender the same, if it is not seized by now.

(iii) The petitioner/accused should not involve in any unlawful activity.

(iv) The petitioner/accused should afford all assistance for 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) The petitioner/accused should ensure his presence whenever required by the Court or Police.

(ix) The petitioner/accused shall not leave India without previous permission of the court concerned.

(x) The petitioner/accused shall report before the Station House Officer, Basheerabad Police Station, Vikarabad, on every Sunday and Thursday between 10.30 am and 12.00 pm till filing of the final report.

(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 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.

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Dr. JUSTICE CHILLAKUR SUMALATHA

20.02.2023  
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