

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1506 of 2023

ORDER:

Heard Sri C.M.R.Velu, learned counsel 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 No.1 in Crime No.64 of 2023 of Hanamkonda Police Station, Warangal District, on bail.

3. Making his submission, learned counsel for the petitioner contends that the petitioner has not committed any offences whatsoever much less the offence punishable under Section 307 IPC. Learned counsel submits that a false case is foisted against the petitioner due to political rivalry. Learned counsel also states that even if the version of the prosecution is taken to be true, ingredients of Section 307 IPC are not made out and further, the petitioner is in judicial custody since 03.02.2023 and the material part of investigation is also completed and therefore, he may be enlarged on bail.

4. The submission of learned Additional Public Prosecutor, on the other hand, is that the petitioner attacked the defacto complainant with a beer bottle and caused injuries.

5. Learned Additional Public Prosecutor endorsed the submission of the learned counsel for the petitioner that material part of investigation is completed and eight material witnesses were examined till now.

6. The facts of the case, as could be perceived through the contents of the complaint, are that the petitioner along with another was having liquor in the Bar of the defacto complainant. The employees of the said Bar requested the petitioner to vacate the Bar as the timings of the Bar have come to a close, but, the petitioner refused. When the defacto complainant requested the petitioner to leave the Bar, he attacked the defacto complainant with a beer bottle and caused injuries.

7. The photostat copy of the Medical Certificate goes to show that the defacto complainant sustained two simple injuries. Further, it is not in dispute that the petitioner is in judicial custody since more than two weeks. Also, material part of investigation is completed.

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

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

(i) The petitioner/accused No.1 shall be enlarged on bail on his executing a personal bond for Rs.50,000/- (Rupees Fifty 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.1 holds a passport, he is directed to surrender the same, if it is not seized by now.

(iii) The petitioner/accused No.1 should not involve in any unlawful activity.

(iv) The petitioner/accused No.1 should afford all assistance for proper investigation of the case.

(v) The petitioner/accused No.1 should not cause the evidence of the offence disappear.

(vi) The petitioner/accused No.1 should not tamper with the evidence in any manner.

(vii) The petitioner/accused No.1 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.1 should ensure his presence whenever required by the Court or Police.

(ix) The petitioner/accused No.1 shall not leave India without previous permission of the court concerned.

(x) The petitioner/accused No.1 shall report before the Station House Officer, Hanamkonda Police Station, Warangal District, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioner/accused No.1 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

21.02.2023
dr