

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1546 of 2023

ORDER:

Heard Ms. Srilekha Pujari, learned counsel for the petitioners, as well as learned Additional Public Prosecutor who is representing the respondent-State.

2. Seeking pre-arrest bail, the present Criminal Petition is filed under Section 438 Cr.P.C. on behalf of the petitioners, who are arrayed as accused Nos.1 to 3 in Crime No.14 of 2023 of Ghattu (M) Police Station, Jogulamba-Gadwal District.

3. The facts of the case in brief, as could be perceived through the contents of the complaint, are that petitioner No.1 went to the shop of the defacto complainant and sought two Cerelac boxes. The defacto complainant supplied the same and demanded money. On that, petitioner No.1 stated that he does not have money and he would give the money later. But, the defacto complainant refused to give the said product. On that, petitioner No.1 abused the defacto complainant, caught hold of his neck and threatened to kill him. He also beat the defacto complainant. Petitioner Nos.2

and 3, who are the sons of petitioner No.1, joined petitioner No.1. They also damaged the articles present in the shop of the defacto complainant.

4. Learned counsel for the petitioners states that the offences alleged to have been committed by the petitioners are all punishable with imprisonment below seven years, but without issuing any notice to the petitioners under Section 41-A Cr.P.C, police are trying to arrest the petitioners arbitrarily and therefore, anticipatory bail may be granted.

5. Learned Additional Public Prosecutor states that the investigation is still pending.

6. Having considered the submissions thus made, this Court is of the view that the request of the petitioners can be honoured, however conditionally.

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

- (i) The petitioners/accused Nos.1 to 3 are directed to surrender before the Court concerned within ten (10) days. On such surrender, they shall be enlarged on bail on each of them 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 petitioners/accused Nos.1 to 3 hold passports, they are directed to surrender the same.

(iii) The petitioners/accused Nos.1 to 3 should not involve in any unlawful activity.

(iv) The petitioners/accused Nos.1 to 3 should afford all assistance for proper investigation of the case.

(v) The petitioners/accused Nos.1 to 3 should not cause the evidence of the offence disappear.

(vi) The petitioners/accused Nos.1 to 3 should not tamper with the evidence in any manner.

(vii) The petitioners/accused Nos.1 to 3 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 petitioners/accused Nos.1 to 3 should ensure their presence whenever required by the Court or Police.

(ix) The petitioners/accused Nos.1 to 3 shall not leave India without previous permission of the court concerned.

(x) The petitioners/accused Nos.1 to 3 shall report before the Station House Officer, Ghattu (M) Police Station, Jogulamba-Gadwal District on every Sunday and Thursday, between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioners/accused Nos.1 to 3 shall file separate affidavits 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 petitioners shall intimate the court concerned by giving fresh separate

affidavits duly mentioning the change. They 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

22.02.2023
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