

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1545 of 2023

ORDER:

Heard Sri C.Sharan Reddy, learned counsel for the petitioner, 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 petitioner, who is arrayed as accused No.2 in Crime No.1351 of 2022 of Gachibowli Police Station, Cyberabad.

3. Making his submission, learned counsel for the petitioner contends that even as per the contents of the complaint, the petitioner is only a witness and he neither received any consideration nor participated in any of the transactions and that on registration of case, Police are trying to arrest the petitioner and therefore, the petitioner is before this Court.

4. The submission of the learned Additional Public Prosecutor is that the mother of the defacto complainant is the original owner of the plot in question and the said plot was transferred through a registered sale deed in favour of

accused No.1 by mentioning that the mother of the defacto complainant has executed the said sale deed, but indeed, the mother of the defacto complainant was no more by the date of the alleged registration. Learned Additional Public Prosecutor also states that the case is still under investigation. However, learned Additional Public Prosecutor failed to state the need or necessity for arresting the petitioner and for his remand. Therefore, this Court is of the view that the request of the petitioner can be honoured, however conditionally.

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

- (i) The petitioner/accused No.2 is directed to surrender before the Court concerned within ten (10) days. On such surrender, he 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.2 holds a passport, he is directed to surrender the same.

(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, Gachibowli Police Station, Cyberabad, on every Monday 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.

Dr. JUSTICE CHILLAKUR SUMALATHA

22.02.2023
DR