

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1548 of 2023

ORDER:

1. Heard Ms.Pujari Srilekha, learned counsel for the petitioners as well as the learned Additional Public Prosecutor who is representing the Respondent-State.
2. Learned Additional Public Prosecutor produced sufficient proof to show that notice was served upon the defacto complainant. However, none appeared.
3. The petitioners, who are arrayed as Accused Nos.1 to 6 in Crime No.8 of 2023 of Dharoor Police Station, Jogulamba Gadwal District, have moved the present Criminal Petition under Section 439 Cr.P.C. for grant of bail.
4. Stating that the petitioners have not committed any offences, whatsoever, learned counsel for the petitioners states that taking aid of his caste, the defacto complainant foisted a false case against the petitioners. Learned counsel further submits that due to disputes regarding the agricultural land, a false case is foisted against the

petitioners. Learned counsel, thereby, seeks to enlarge the petitioners on bail.

5. The submission of the learned Additional Public Prosecutor, on the other hand, is that the case is still under investigation. However, ten (10) witnesses are examined till now. Learned Additional Public Prosecutor further submits that as per the Medical Certificate received, the defacto complainant received two simple injuries.

6. As per the version of the prosecution, the petitioners beat the defacto complainant and further abused in the name of his caste.

7. Having considered the nature of the allegations levelled, that the material part of investigation is completed and also the fact that the petitioners are in judicial custody since more than twenty days as per Part-I Case Diary, this Court considers desirable to enlarge the petitioners on bail, however, conditionally.

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

- (i) The petitioners/Accused Nos.1 to 6 shall be enlarged on bail on their executing a personal bond for Rs.30,000/- (Rupees Thirty Thousand only) each 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 petitioners/Accused Nos.1 to 6 shall report before the Station House Officer, Dharoor Police Station, Jogulamba Gadwal District, on every Monday between 10.30 A.M and 12.00 P.M till filing of final report.
- (iii) The petitioners/Accused Nos.1 to 6 should not involve in any unlawful activity.
- (iv) The petitioners/Accused Nos.1 to 6 should afford all assistance for proper investigation of the case.
- (v) The petitioners/Accused Nos.1 to 6 should not cause the evidence of the offence disappear.

- (vi) The petitioners/Accused Nos.1 to 6 should not tamper with the evidence in any manner.
- (vii) The petitioners/Accused Nos.1 to 6 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 petitioners/Accused Nos.1 to 6 hold passport, they shall surrender the same if the same are not seized till now.
- (ix) The petitioners/Accused Nos.1 to 6 should ensure their presence whenever required by the Court or Police.
- (x) The petitioners/Accused Nos.1 to 6 shall not leave India without previous permission of the Court concerned.
- (xi) The petitioners/Accused Nos.1 to 6 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 petitioners shall intimate the Court concerned by giving fresh 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.

9. Miscellaneous petitions, if any pending, shall stand closed.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date:01.03.2023

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