

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No. 1634 of 2023

ORDER:

1. Heard the submission of Sri H.Prahalada Reddy, learned counsel for the petitioner as well as the learned Additional Public Prosecutor who is representing the Respondent-State.

2. Seeking pre-arrest bail, this Criminal Petition, under Section 438 Cr.P.C., is filed by the petitioner who apprehends arrest in connection with Crime No.1045 of 2022 of KPHB Colony Police Station.

3. Submitting that the petitioner is not figured as Accused in the crime in question till now, learned counsel for the petitioner contends that the petitioner is apprehending arrest arbitrarily and therefore, the petitioner is before this Court. Learned counsel also states that the name of the petitioner is nowhere mentioned either in the complaint or in the Remand Report in respect of Accused Nos.1 & 3.

4. The submission of the learned Additional Public Prosecutor is that the petitioner is not figured as Accused

in the case in question till now. Learned Additional Public Prosecutor also states that no incriminating material is found against the petitioner till now, but the case is still under investigation.

5. Having considered the submissions thus made, this Court is of the view that the request of the petitioner can be honoured.

6. In the result, the Criminal Petition is allowed with the following conditions:

- (i) In the event of the petitioner being figured as Accused in Crime No.1045 of 2022 of KPHB Colony Police Station, the petitioner shall surrender before the concerned Court immediately and 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 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 petitioner should not involve in any unlawful activity.
- (iii) The petitioner should afford all assistance for the proper investigation of the case.
- (iv) The petitioner should not cause the evidence of the offence disappear.
- (v) The petitioner should not tamper with the evidence in any manner.
- (vi) The petitioner 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.
- (vii) In case the petitioner holds a passport, he shall surrender the same.
- (viii) The petitioner should ensure his presence whenever required by the Court or Police.
- (ix) The petitioner shall not leave India without previous permission of the Court concerned.
- (x) The petitioner 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 of 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 pre-arrest bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date: 23.02.2023
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