

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1664 of 2023

ORDER:

1. Heard Sri K.Ajay Kumar, learned counsel for the petitioners as well as the learned Additional Public Prosecutor who is representing the Respondent-State.

2. This Criminal Petition, under Section 438 Cr.P.C., is filed on behalf of the petitioners, who are arrayed as Accused Nos.1 to 4 in Crime No.27 of 2023 of Adilabad II Town Police Station, Adilabad District, for grant of pre-arrest bail.

3. The contents of the complaint in nutshell are that on 06.09.2022, the defacto complainant, along with others, was waiting at the Court Hall of Judicial Magistrate of First Class, Adilabad. At that time, the petitioners and other persons approached and dragged the defacto complainant into an Innova vehicle and took him to Collector Chowk side, throttled his neck and beat him mercilessly with an intention to kill him.

4. Stating that the contents of the complaint are false, learned counsel for the petitioners states that the case was

registered basing on a private complaint and indeed, the petitioners are innocent. Learned counsel for the petitioners further submits that the defacto complainant cheated the petitioners and caused loss to a tune of Rs.1,50,00,000/-. Learned counsel also submits that the petitioners separately filed private complaints vide CC.No.200 of 2019, CC.No.199 of 2019, CC.No.198 of 2019 and CC.No.919 of 2019 under Section 138 of the Negotiable Instruments Act against the defacto complainant for realization of the amounts due to them and aggrieved by the action taken, the defacto complainant foisted a false case against the petitioners. Learned counsel also submits that police are trying to arrest the petitioners and thus, anticipatory bail may be granted.

5. The submission of the learned Additional Public Prosecutor, on the other hand, is that as the private complaint was forwarded to police for investigation and report, hence the case is registered and the case is still under investigation.

6. Having considered the submissions thus made and upon perusing all the material that is produced, this Court

is of the view that the request of the petitioners can be honoured, however, conditionally.

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

- (i) The petitioners/Accused Nos.1 to 4 are directed to surrender before the concerned Court within ten (10) days. On such surrender, they 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 4 shall report before the Station House Officer, Adilabad II Town Police Station, 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 4 should not involve in any unlawful activity.

- (iv) The petitioners/Accused Nos.1 to 4 should afford all assistance for the proper investigation of the case.
- (v) The petitioners/Accused Nos.1 to 4 should not cause the evidence of the offence disappear.
- (vi) The petitioners/Accused Nos.1 to 4 should not tamper with the evidence in any manner.
- (vii) The petitioners/Accused Nos.1 to 4 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 4 hold a passport, they shall surrender the same.
- (ix) The petitioners/Accused Nos.1 to 4 should ensure their presence whenever required by the Court or Police.
- (x) The petitioners/Accused Nos.1 to 4 shall not leave India without previous permission of the Court concerned.
- (xi) The petitioners/Accused Nos.1 to 4 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 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 pre-arrest bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date:24.02.2023
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