

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1685 of 2023

ORDER:

Heard Sri S.Chandra Sekhar, learned counsel for the petitioners, as well as learned Additional Public Prosecutor who is representing the respondent-State.

2. Seeking the Court to enlarge the petitioners, who are arrayed as accused Nos.1 to 10 in Crime No.6 of 2023 of Undavelly Police Station, Jogulamba-Gadwal District, on bail, the present Criminal Petition is filed under Section 439 Cr.P.C.

3. Making his submission, learned counsel for the petitioners states that the petitioners have not committed any offence whatsoever and in fact, no incriminating material is seized from the possession of the petitioners except some cash, that too, which is not suspicious. Learned counsel also contends that the petitioners were arrested on 23.01.2023 and were remanded to judicial custody and since then they are in judicial custody. Learned counsel seeks to enlarge the petitioners on bail on the ground that they are innocent and

that a false case is foisted against them and also that the investigation is completed.

4. The submission of the learned Additional Public Prosecutor is that after arrest of the petitioners, Test Identification proceedings were conducted, in which two witnesses identified some of the accused. Learned Additional Public Prosecutor also contends that eight witnesses were examined till now.

5. As per the version of the prosecution, the petitioners have committed the offence of dacoity by committing theft of gutka product worth Rs.4,40,000/- and during that course, they beat the persons who were in possession of those goods and threatened to kill them.

6. By the submissions made, it is clear that the petitioners are in judicial custody since more than a month and that the material part of investigation is completed. Also, no criminal history or antecedents of the petitioners are projected by the prosecuting agency. Therefore, 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 10 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 10 hold passport, they are directed to surrender the same, if they were not seized by now.
- (iii) The petitioners/accused Nos.1 to 10 should not involve in any unlawful activity.
- (iv) The petitioners/accused Nos.1 to 10 should afford all assistance for proper investigation of the case.
- (v) The petitioners/accused Nos.1 to 10 should not cause the evidence of the offence disappear.

(vi) The petitioners/accused Nos.1 to 10 should not tamper with the evidence in any manner.

(vii) The petitioners/accused Nos.1 to 10 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 10 should ensure their presence whenever required by the Court or Police.

(ix) The petitioners/accused Nos.1 to 10 shall not leave India without previous permission of the court concerned.

(x) The petitioners/accused Nos.1 to 10 shall report before the Station House Officer, Undavelly Police Station, Jogulamba-Gadwal District, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioners/accused Nos.1 to 10 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 separate 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.

Dr. JUSTICE CHILLAKUR SUMALATHA

24.02.2023
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