

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1767 of 2023

ORDER:

1. Heard Sri V.Raghunath, learned Senior Counsel who argued on behalf of Ms.Ayesha Saba, learned counsel on record for the petitioners as well as the 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 petitioners, who are arrayed as Accused Nos.1 to 7 in Crime No.169 of 2022 of Gandhari Police Station, Kamareddy District.
3. The matrix of the case as could be perceived through the contents of the complaint is that when the defacto complainant and others approached the house of the petitioners for resolving disputes between the 1st petitioner and his wife, the petitioners attacked the defacto complainant with deadly weapons and caused injuries and further, they tried to kill the defacto complainant.

4. Stating that the allegations are false, learned counsel for the petitioners states that indeed, the defacto complainant and his men trespassed into the house of the 1st petitioner and in that regard, the 1st petitioner gave a complaint to Police and a case was registered as a case in Crime No.154 of 2022 of Gandhari Police Station. Learned counsel also submits that the wife of the 1st petitioner left the house without informing anyone on one occasion and in that regard, a complaint was given and a case was also registered and later, she was traced out and she was handed over to her parents. Learned counsel further submits that the 2nd petitioner is the father of the 1st Petitioner, Petitioner Nos.3 & 4 are the brothers of 1st Petitioner, Petitioner No.5 is the cousin of 1st Petitioner, Petitioner Nos.6 & 7 are the Uncle and Aunt respectively of 1st petitioner and the defacto complainant foisted a false case against all those persons. Learned counsel further submits that even as per the wound certificate, the defacto complainant received a single lacerated injury. By stating thus, learned counsel seeks for grant of anticipatory bail.

5. The submission of the learned Additional Public Prosecutor, on the other hand, is that the petitioners attacked the defacto complainant and injured him. However, learned Additional Public Prosecutor also stated that the defacto complainant sustained only one simple injury. The submission of the learned Additional Public Prosecutor is that six witnesses were examined till now.

6. Thus, by the submissions made, it is clear that the material part of investigation is completed and that the defacto complainant has suffered with only one simple injury.

7. Having considered these aspects and also the pendency of the case and counter case, this Court is of the view that the request of the petitioners can be honoured, however, conditionally.

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

- (i) The petitioners/Accused Nos.1 to 7 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 7 shall report before the Station House Officer, Gandhari 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 7 should not involve in any unlawful activity.
- (iv) The petitioners/Accused Nos.1 to 7 should afford all assistance for the proper investigation of the case.
- (v) The petitioners/Accused Nos.1 to 7 should not cause the evidence of the offence disappear.
- (vi) The petitioners/Accused Nos.1 to 7 should not tamper with the evidence in any manner.
- (vii) The petitioners/Accused Nos.1 to 7 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 7 hold a passport, they shall surrender the same.
- (ix) The petitioners/Accused Nos.1 to 7 should ensure their presence whenever required by the Court or Police.
- (x) The petitioners/Accused Nos.1 to 7 shall not leave India without previous permission of the Court concerned.
- (xi) The petitioners/Accused Nos.1 to 7 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:28.02.2023
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