

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1785 of 2023

ORDER:

1. Heard Sri Khalid Bin Sayeed, learned counsel who argued on behalf of Sri Mohd.Muzaferullah Khan, learned counsel on record for the petitioner 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 petitioner, who is arrayed as Accused No.6 in Crime No.380 of 2022 of Saifabad Police Station, Hyderabad.

3. Contending that the petitioner has not committed any offences, whatsoever, learned counsel for the petitioner submits that due to the prevailing rivalry, the defacto complainant and his group foisted a false case against the petitioner and his group of members. Learned counsel also states that the group of the defacto complainant attacked the

petitioner and others and in that regard, a complaint was given and a case was registered in Crime No.379 of 2022 of Saifabad Police Station. Learned counsel by stating so, seeks for grant of anticipatory bail.

4. The submission of the learned Additional Public Prosecutor is that in the light of the prevailing disputes between two groups, both the groups attacked each other and in that course, LW2-Manoj sustained simple injury. Learned Additional Public Prosecutor also submits that ten (10) witnesses were examined till now.

5. A perusal of the material available on record goes to show that regarding management of a Temple, there were disputes between two groups and on the date of incident, the petitioner and others formed into an unlawful assembly and attacked the defacto complainant's party with deadly weapons.

6. Having gone through the contents of the material available on record, on hearing learned counsel for the petitioner and the learned Additional Public Prosecutor who states that the material part of investigation is completed, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

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

- (i) The petitioner/Accused No.6 is directed to surrender before the concerned Court within ten (10) days. 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/Accused No.6 shall report before the Station House Officer, Saifabad Police Station on every Monday between 10.30 A.M. and 12:00 P.M. till filing of final report.
- (iii) The petitioner/Accused No.6 should not involve in any unlawful activity.
- (iv) The petitioner/Accused No.6 should afford all assistance for the proper investigation of the case.
- (v) The petitioner/Accused No.6 should not cause the evidence of the offence disappear.
- (vi) The petitioner/Accused No.6 should not tamper with the evidence in any manner.
- (vii) The petitioner/Accused No.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 petitioner/Accused No.6 holds a passport, he shall surrender the same.

- (ix) The petitioner/Accused No.6 should ensure his presence whenever required by the Court or Police.
- (x) The petitioner/Accused No.6 shall not leave India without previous permission of the Court concerned.
- (xi) The petitioner/Accused No.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 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:15.03.2023
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