

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1856 of 2023

ORDER:

1. Heard Sri M.Nagendra Babu, learned counsel 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 & 2 in Crime No.58 of 2023 of GDK I Town Police Station, Ramagundam District.
3. Stating that the petitioners are innocent, learned counsel for the petitioners contends that the alleged injured by name Sudhakar was following the 1st petitioner and was commenting her and in that regard, though he was warned number of times, he did not mend his ways and therefore, complaints were given to Police on several occasions. Learned counsel states that on two such occasions, cases were registered vide Crime No.447 of 2022 of Godavarikhani- I Town Police Station and Crime No.53 of 2023 of the same Police Station. Learned counsel states

that on the very next day, i.e. on 03.02.2023, a false complaint was given against the petitioners by the son of the said Sudhakar and therefore, the petitioners are before this Court.

4. On the other hand, the learned Additional Public Prosecutor submits that the petitioners, who are wife and husband, had beat the father of the defacto complainant by name Sudhakar and as per Medical Report, he sustained grievous injury.

5. Gone through the contents of the material available on record. On going through the said material and upon hearing the learned counsel for the petitioners and learned Additional Public Prosecutor, this Court is of the view that the request of the petitioners can be honoured, however, conditionally.

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

- (i) The petitioners/Accused Nos.1 & 2 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.50,000/- (Rupees Fifty 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 & 2 shall report before the Station House Officer, GDK I Town Police Station, on every Sunday and Thursday between 10.30 A.M. and 12:00 P.M. till filing of final report.
- (iii) The petitioners/Accused Nos.1 & 2 should not involve in any unlawful activity.
- (iv) The petitioners/Accused Nos.1 & 2 should afford all assistance for the proper investigation of the case.
- (v) The petitioners/Accused Nos.1 & 2 should not cause the evidence of the offence disappear.
- (vi) The petitioners/Accused Nos.1 & 2 should not tamper with the evidence in any manner.
- (vii) The petitioners/Accused Nos.1 & 2 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 & 2 hold a passport, they shall surrender the same.
- (ix) The petitioners/Accused Nos.1 & 2 should ensure their presence whenever required by the Court or Police.
- (x) The petitioners/Accused Nos.1 & 2 shall not leave India without previous permission of the Court concerned.
- (xi) The petitioners/Accused Nos.1 & 2 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:13.03.2023
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