

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1910 of 2023

ORDER:

Heard Sri P.Ravi Kiran, learned counsel for the petitioner, as well as learned Additional Public Prosecutor who is representing the respondent-State.

2. Seeking pre-arrest bail in favour of the petitioner, who is arrayed as accused No.1 in Crime No.56 of 2023 of Alair Police Station, Rachakonda Commissionerate, the present Criminal Petition is filed under Section 438 Cr.P.C.

3. Stating that the petitioner is innocent and a false case is foisted against him, learned counsel for the petitioner contends that the petitioner was not present at the scene of offence and he was not even aware about the methods that are employed for levelling the land and therefore, anticipatory bail may be granted.

4. The submission of the learned Additional Public Prosecutor, on the other hand, is that the accused carried out blasting activity for removal of boulders that were present in the land in question without obtaining any permission whatsoever. Learned Additional Public Prosecutor also states

that accused Nos.2 and 3 were arrested and remanded to judicial custody, but the petitioner herein and accused Nos.4 and 5 are at large.

5. The contents of the complaint goes to show that the petitioner undertook development work of the land in question from its lawful owner and gave the sub-contract to accused No.2 and with a view to reduce labour expenses, an agreement was entered into with accused Nos.3 and 4 to carry out blasting activity illegally and accordingly, blasting activity was carried out in the land in question.

6. Having considered the nature of the case and taking into consideration the submission of the learned Additional Public Prosecutor that seven material witnesses are already examined, this Court is of the view that the request of the petitioner can be honoured, however conditionally.

7. Resultantly, this Criminal Petition is allowed with the following conditions:-

- (i) The petitioner/accused No.1 is directed to surrender before the Court concerned within ten (10) days. On such surrender, he shall be enlarged on bail on his executing a personal bond for Rs.1,00,000/- (Rupees One lakh 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 petitioner/accused No.1 holds a passport, he is directed to surrender the same.

(iii) The petitioner/accused No.1 should not involve in any unlawful activity.

(iv) The petitioner/accused No.1 should afford all assistance for proper investigation of the case.

(v) The petitioner/accused No.1 should not cause the evidence of the offence disappear.

(vi) The petitioner/accused No.1 should not tamper with the evidence in any manner.

(vii) The petitioner/accused No.1 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 petitioner/accused No.1 should ensure his presence whenever required by the Court or Police.

(ix) The petitioner/accused No.1 shall not leave India without previous permission of the court concerned.

(x) The petitioner/accused No.1 shall report before the Station House Officer, Alair Police Station, Rachakonda Commissionerate, on every Sunday and Thursday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioner/accused No.1 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 in 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 bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

02.3.2023
DR