

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1925 of 2023

ORDER:

Heard Sri N.Hari Nadh, learned counsel for the petitioner, as well as 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.4 in Crime No.85 of 2023 of Chandrayanagutta Police Station, Hyderabad.

3. Projecting that the petitioner is innocent, learned counsel for the petitioner contends that the petitioner has nothing to do with the alleged transactions or supply of gelatin sticks and detonators. Learned counsel also submits that only because one of the accused confessed that those materials were ordered to be delivered to the petitioner for carrying out excavation work and blasting of rocks in the site, the petitioner is arrayed as an accused and none of the accused have stated that the petitioner ordered for such materials.

4. The submission of the learned Additional Public Prosecutor, on the other hand, is that the petitioner is the middleman between accused Nos.1 and 5. Learned Additional Public Prosecutor contends that accused Nos.1, 2 and 5 were already arrested and the remaining accused are absconding. Learned Additional Public Prosecutor further submits that the case is still under investigation.

5. Having considered the submissions thus made and the role played by the petitioner even as per the version of the prosecution and as there are no direct allegations as of now against the petitioner, this Court is of the view that the request of the petitioner can be honoured, however conditionally.

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

- (i) The petitioner/accused No.4 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.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 petitioner/accused No.4 holds a passport, he is directed to surrender the same.

(iii) The petitioner/accused No.4 should not involve in any unlawful activity.

(iv) The petitioner/accused No.4 should afford all assistance for proper investigation of the case.

(v) The petitioner/accused No.4 should not cause the evidence of the offence disappear.

(vi) The petitioner/accused No.4 should not tamper with the evidence in any manner.

(vii) The petitioner/accused No.4 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.4 should ensure his presence whenever required by the Court or Police.

(ix) The petitioner/accused No.4 shall not leave India without previous permission of the court concerned.

(x) The petitioner/accused No.4 shall report before the Station House Officer, Chandrayanagutta Police Station, Hyderabad, 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.4 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