

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2106 of 2023

ORDER:

1. Heard Sri N.Srushman Reddy, learned counsel for the petitioners as well as the learned Additional Public Prosecutor who is representing the Respondent-State.
2. This Criminal Petition, under Section 439 Cr.P.C., is filed seeking the Court to enlarge the petitioners, who are arrayed as Accused Nos.2 & 3 in Crime No.38 of 2023 of Nirmal Town Police Station, Nirmal District, on bail.
3. Stating that the petitioners are innocent, learned counsel for the petitioners contends that only due to business rivalry, a false case is foisted against the petitioners. Learned counsel also submits that the petitioners are in judicial custody since thirty six (36) days and as the entire investigation is completed, they may be enlarged on bail.
4. The submission of the learned Additional Public Prosecutor, on the other hand, is that the petitioners gave huge sum of money to one Abdul Anwar for purchase of Gold. But the said Abdul Anwar did not purchase the Gold and shifted his family elsewhere and therefore, the petitioners

kidnapped him, his wife and children. Learned Additional Public Prosecutor also states that after some time, they were released. Learned Additional Public Prosecutor further submits that fourteen (14) material witnesses were examined till now.

5. Thus, by the submissions made, it is clear that the petitioners are in judicial custody since more than a month and that the material part of investigation is completed.

6. Having perceived the said facts, this Court is of the view that the request of the petitioners can be honoured, however, conditionally.

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

- (i) The petitioners/Accused Nos.2 & 3 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.2 & 3 shall report before the Station House Officer, Nirmal 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.2 & 3 should not involve in any unlawful activity.
- (iv) The petitioners/Accused Nos.2 & 3 should afford all assistance for proper investigation of the case.
- (v) The petitioners/Accused Nos.2 & 3 should not cause the evidence of the offence disappear.
- (vi) The petitioners/Accused Nos.2 & 3 should not tamper with the evidence in any manner.
- (vii) The petitioners/Accused Nos.2 & 3 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.2 & 3 hold a passport, they shall surrender the same if the same are not seized till now.

- (ix) The petitioners/Accused Nos.2 & 3 should ensure their presence whenever required by the Court or Police.
- (x) The petitioners/Accused Nos.2 & 3 shall not leave India without previous permission of the Court concerned.
- (xi)The petitioners/Accused Nos.2 & 3 shall file affidavits 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 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 bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date:09.03.2023

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