

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2128 of 2023

ORDER:

1. Heard Sri K.Laxmaiah, learned counsel for the petitioner 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 petitioner, who is arrayed as Accused No.1 in C.C.No.655 of 2018, which is pending before the Court of I Additional Judicial Magistrate of First Class, Sangareddy, on bail.
3. Making his submission, learned counsel for the petitioner contends that the petitioner is alleged to have been committed offences punishable under Sections 420 and 109 IPC. The petitioner was arrested and thereafter was enlarged on bail. Subsequently, the petitioner shifted his residence from Siddipet to Nalgonda due to death of his wife. The crime was registered in the year 2011 and charge sheet was laid in the year 2018. As the petitioner shifted his residence, summons could not be served upon him from the concerned Court after taking cognizance. The Court issued notices to the sureties and the sureties, who could not find the

petitioner at Siddipet, reported to the Court that the petitioner is no more. Thereafter, the petitioner was brought on record on execution of PT warrant and in those circumstances, the petitioner is not at fault. By submitting so, learned counsel seeks to enlarge the petitioner on bail.

4. On the other hand, learned Additional Public Prosecutor contends that the proceedings were dragged for two years eight months for production of death certificate in respect of the petitioner as the sureties reported that the petitioner is no more. Learned Additional Public Prosecutor also contends that thereafter, tracing the petitioner, he was produced before the Court and two similar crimes are pending against the petitioner and therefore, the petitioner is not entitled for bail.

5. However, there is no denial that summons were not served upon the petitioner. Further, the ground urged by the learned counsel for the petitioner is that due to the death of the wife of the petitioner, the petitioner shifted his residence from one place to another.

6. Having considered these facts, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

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

- (i) The petitioner/Accused No.1 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.1 should not involve in any unlawful activity.
- (iii) The petitioner/Accused No.1 should not cause the evidence of the offence disappear.
- (iv) The petitioner/Accused No.1 should not tamper with the evidence in any manner.
- (v) 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.

- (vi) In case the petitioner/Accused No.1 holds a passport, he shall surrender the same if the same is not seized till now.
- (vii) The petitioner/Accused No.1 should ensure his presence whenever required by the Court or Police.
- (viii) The petitioner/Accused No.1 shall not leave India without previous permission of the Court concerned.
- (ix) 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.

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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