

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2133 OF 2023

ORDER:

Heard Sri Kishore Rai, learned Senior Counsel, who argued on behalf of Sri U.Venkateswara Rao, learned counsel on record for the petitioner, as well as learned Additional Public Prosecutor, who is representing the respondent-State.

2. Seeking pre-arrest bail on behalf of the petitioner, who is arrayed as accused No.2 in Crime No.363 of 2022 of Abids Police Station, Hyderabad, the present Criminal Petition is filed under Section 438 Cr.P.C..

3. Stating that the petitioner is innocent, learned counsel for the petitioner contends that anticipatory bail was granted in favour of accused No.1 and applying the same analogy, the present application may be allowed. Learned counsel also states that even as per the contents of the complaint, in the course of business transactions, due to misunderstandings, the complaint was given to Police.

4. The submission of learned Additional Public Prosecutor, on the other hand, is that on the premise that the petitioner was arrested, anticipatory bail was granted in favour of

accused No.1. However, learned Additional Public Prosecutor did not deny the fact that the rivalry arose during the course of business transactions and non-payment of amount by the accused including the petitioner herein to the *de facto* complainant as agreed upon. Learned Additional Public Prosecutor did not mention the requirement of arrest of the petitioner. Therefore, this Court is of the view that the request of the petitioner can be honoured, however conditionally.

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

- (i) The petitioner/accused No.2 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 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.2 shall report before the Station House Officer, Abids Police Station, Hyderabad, on every Sunday and Thursday between 10.30 a.m. and 12:00 p.m. till filing of final report.
- (iii) The petitioner/accused No.2 should not involve in any unlawful activity.
- (iv) The petitioner/accused No.2 should afford all assistance for the proper investigation of the case.
- (v) The petitioner/accused No.2 should not cause the evidence of the offences disappear.
- (vi) The petitioner/accused No.2 should not tamper with the evidence in any manner.
- (vii) The petitioner/accused No.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 petitioner/accused No.2 holds a passport, he is directed to surrender the same.
- (ix) The petitioner/accused No.2 should ensure his presence whenever required by the Court or Police.

- (x) The petitioner/accused No.2 shall not leave India without previous permission of the Court concerned.
- (xi) The petitioner/accused No.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 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 pre-arrest bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date: 09.3.2023
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HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2133 of 2023

Date:09.03.2023

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