

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2132 OF 2023

ORDER:

Heard Sri C.Hari Preeth, learned counsel for the petitioners, 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 petitioners, who are arrayed as accused Nos.6 to 9 in Crime No.1 of 2023 of Nirmal Town Police Station, Nirmal District.

3. Contending that the petitioners have no involvement in the incident that occurred between the *de facto* complainant and the prime accused, learned counsel for the petitioners submits that petitioner Nos.1, 2 and 4 are students and in case, they are arrested, their future would get spoiled and therefore, anticipatory bail may be granted.

4. The submission of learned Additional Public Prosecutor, on the other hand, is that the petitioners moved an application for grant of bail earlier and the same was dismissed by this Court. However, learned Additional Public

Prosecutor also contends that seventeen witnesses were examined till now.

5. Thus, by the submissions made, it is clear that material part of the investigation is completed. Having regard to the submissions made by learned counsel for the petitioners, this Court is of the view that the request of the petitioners can be honoured, however conditionally.

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

(i) The petitioners/Accused Nos.6 to 9 are directed to surrender before the concerned Court within ten (10) days. On such surrender, they shall be enlarged on bail on their executing a personal bond for Rs.30,000/- (Rupees Thirty 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.6 to 9 shall report before the Station House Officer, Nirmal Town

Police Station, on every Monday between 10.30 a.m. and 12:00 p.m. till filing of final report.

- (iii) The petitioners/Accused Nos.6 to 9 should not involve in any unlawful activity.
- (iv) The petitioners/Accused Nos.6 to 9 should afford all assistance for the proper investigation of the case.
- (v) The petitioners/Accused Nos.6 to 9 should not cause the evidence of the offences disappear.
- (vi) The petitioners/Accused Nos.6 to 9 should not tamper with the evidence in any manner.
- (vii) The petitioners/Accused Nos.6 to 9 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.6 to 9 hold passports, they are directed to surrender the same.
- (ix) The petitioners/Accused Nos.6 to 9 should ensure their presence whenever required by the Court or Police.

- (x) The petitioners/Accused Nos.6 to 9 shall not leave India without previous permission of the Court concerned.
- (xi) The petitioners/Accused Nos.6 to 9 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 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 pre-arrest bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date: 09.3.2023
svl

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2132 of 2023

Date:09.03.2023

svl