

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2163 of 2023

ORDER:

Heard Sri Laxmaiah Kanchani, learned counsel for the petitioner, as well as the learned Additional Public Prosecutor who is representing the respondent-State.

2. Seeking the Court to enlarge the petitioner, who is arrayed as accused No.2 in Crime No.42 of 2023 of Vemulawada Town Police Station, Rajanna-Sircilla District, on bail, the present Criminal Petition is filed under Section 439 Cr.P.C.

3. The matrix of the case, as could be perceived through the contents of Part-I Case Diary, is that in respect of laying stones and dust on the road and failure to remove the same by the accused, the husband of the defacto complainant requested the accused to remove the same and when they failed to do so, he gave complaint to Municipal authorities. On that, the petitioner and other accused approached the house of the defacto complainant, attacked the husband of the defacto complainant and assaulted him. Due to the blows given, he got severely injured and ultimately, lost his life.

4. Making his submission, the learned counsel for the petitioner contends that the petitioner is in judicial custody since 08.02.2023 and indeed, it is accused No.1 who gave such blows to the husband of defacto complainant, even as per the version of the prosecution, and as the entire investigation is completed, he may be enlarged on bail.

5. The submission of the learned Additional Public Prosecutor is that due to the acts of the petitioner and other accused, the husband of the defacto complainant died. Learned Additional Public Prosecutor further submits that the case is still under investigation. However, fourteen (14) witnesses were examined till now.

6. By the submissions thus made, it is clear that the petitioner is in judicial custody since more than a month and that the material part of investigation is completed.

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

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

- (i) The petitioner/accused No.2 shall be enlarged on bail on his executing a personal bond for Rs.75,000/- (Rupees Seventy Five 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.2 holds a passport, he is directed to surrender the same, if it is not seized by now.
- (iii) The petitioner/accused No.2 should not involve in any unlawful activity.
- (iv) The petitioner/accused No.2 should afford all assistance for proper investigation of the case.
- (v) The petitioner/accused No.2 should not cause the evidence of the offence 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) The petitioner/accused No.2 should ensure his presence whenever required by the Court or Police.

(ix) The petitioner/accused No.2 shall not leave India without previous permission of the court concerned.

(x) The petitioner/accused No.2 shall report before the Station House Officer, Vemulawada Town Police Station, Rajanna-Siricilla District, 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.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 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

16.3.2023
dr