

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2360 of 2023

ORDER:

1. Heard Sri Karunakar Reddy, learned counsel for the petitioner as well as the learned Additional Public Prosecutor who is representing Respondent-State.
2. Seeking pre-arrest bail, the present Criminal Petition is filed under Section 438 Cr.P.C. on behalf of the petitioner, who is arrayed as Accused in Crime No.4 of 2023 of Pebbair Police Station, Wanaparthy District.
3. Making his submission, learned counsel for the petitioner states that the petitioner has not committed any offence. Learned counsel also submits that as per the contents of the complaint dated 08.01.2023, the defacto complainant sustained injury when he was beaten by stick by the petitioner at Lorry Association office, Pebbair, but he took treatment on 13.01.2023 and the Medico Legal Certificate goes to show that he was assaulted by his own brother around 11.30 AM on 08.01.2023 near his residence, which itself establishes that a false case is foisted against the petitioner.

4. Learned Additional Public Prosecutor, on the other hand, submits that the case is still under investigation and the defacto complainant sustained injury when he was beaten with a stick by the petitioner.

5. Having perceived the discrepancy in the scene of offence as projected and as the material part of investigation is completed as submitted by the learned Additional Public Prosecutor, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

6. In the result, the Criminal Petition is allowed with the following conditions:

- (i) The petitioner/Accused is directed to surrender before the concerned Court 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 shall report before the Station House Officer, Pebbair Police Station, on every Sunday and Thursday between 10.30 A.M. and 12:00 p.m. till filing of final report.
- (iii) The petitioner/Accused should not involve in any unlawful activity.
- (iv) The petitioner/Accused should afford all assistance for proper investigation of the case.
- (v) The petitioner/Accused should not cause the evidence of the offence disappear.
- (vi) The petitioner/Accused should not tamper with the evidence in any manner.
- (vii) The petitioner/Accused 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 holds a passport, he shall surrender the same.
- (ix) The petitioner/Accused should ensure his presence whenever required by the Court or Police.

- (x) The petitioner/Accused shall not leave India without previous permission of the Court concerned.
- (xi) The petitioner/Accused 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:16.03.2023
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