

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2359 of 2023

ORDER:

1. 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 No.2 in Crime No.211 of 2022 of Chinnakodur Police Station, Siddipet District.
2. Heard Sri B.Arjun Rao, learned counsel for the petitioner as well as the learned Additional Public Prosecutor who is representing the Respondent-State.
3. The allegation that is levelled against the petitioner as per the contents of Part-I Case Diary is that the petitioner created fake proceedings and handed over the same to Accused No.1.
4. Contending that the name of the petitioner is nowhere mentioned in the entire complaint, learned counsel for the petitioner submits that except the confessional statement of Accused No.1, there is no incriminating material that is available on record against

the petitioner. Learned counsel also states that the confessional statement of co-accused is invalid in the eye of law as per the judgment of the Hon'ble Apex Court in the case between **TOFAN SINGH Vs.STATE of TAMIL NADU**¹ and therefore, the petitioner is entitled for anticipatory bail.

5. The submission of the learned Additional Public Prosecutor is that on the instructions of Accused No.1, the petitioner prepared fake proceedings and handed over the same to Accused No.1. Learned Additional Public Prosecutor also states that seven (7) witnesses were examined till now and the investigation is still pending.

6. Having gone through the contents of the complaint and Part-I Case Diary, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

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

¹ (2021) 4 SCC 1

- (i) The petitioner/Accused No.2 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 No.2 shall report before the Station House Officer, Chinnakodur 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 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 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) In case the petitioner/Accused No.2 holds a passport, he shall 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:15.03.2023
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