

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2440 of 2023

ORDER:

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

2. Seeking post-arrest bail, the present Criminal Petition is filed under Section 439 Cr.P.C. on behalf of the petitioner who is arrayed as accused No.11 in Crime No.890 of 2022 of Chaitanyapuri Police Station, Rachakonda Commissionerate,

3. Making his submission, learned counsel for the petitioner contends that the petitioner has not committed any offences whatsoever and even as per the version of the prosecution, the petitioner has harbored accused No.1 for four days knowing well that he has committed the offence. Learned counsel further submits that the petitioner was arrested and was remanded to judicial custody on 05.01.2023 and he is in judicial custody since more than two months and as the entire investigation is completed, he may be enlarged on bail.

4. The submission of the learned Additional Public Prosecutor is that the petitioner has committed offences punishable under Sections 212 and 120-B IPC. Learned Additional Public Prosecutor further states that on completion of investigation, charge sheet is laid.

5. There is no denial that the allegation that is levelled against the petitioner is that he harbored accused No.1, gave shelter and accompanied him in a car after the incident occurred.

6. Having considered the role played by the petitioner as per the version of the prosecution, the fact of completion of investigation and that the petitioner is in judicial custody since more than two months, this Court is of the view that the request of the petitioner can be honoured, however conditionally.

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

- (i) The petitioner/accused No.11 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.11 holds a passport, he is directed to surrender the same, if it is not seized by now.

(iii) The petitioner/accused No.11 should not involve in any unlawful activity.

(iv) The petitioner/accused No.11 should not cause the evidence of the offence disappear.

(v) The petitioner/accused No.11 should not tamper with the evidence in any manner.

(vi) The petitioner/accused No.11 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.

(vii) The petitioner/accused No.11 should ensure his presence whenever required by the Court or Police.

(viii) The petitioner/accused No.11 shall not leave India without previous permission of the court concerned.

(ix) The petitioner/accused No.11 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.

Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

21.3.2023

dr