

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2481 of 2023

ORDER:

Heard Sri Malleswara Rao Kallu, 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.48 and 49 in Crime No.486 of 2022 of Adibatla Police Station, Rachakonda Commissionerate.

3. Stating that the petitioners are innocent and they are students, learned counsel for the petitioners contends that except the alleged confessional statement of accused No.1, there is no incriminating material that is found by the prosecuting agency against the petitioners and in case, the petitioners are arrested, they would be put to serious hardship and therefore, anticipatory bail may be granted.

4. The submission of the learned Additional Public Prosecutor, on the other hand, is that accused No.1 fell in love with the daughter of the defacto complainant and on the

date of incident, accused No.1 and others entered into the house of the defacto complainant and kidnapped the daughter of the defacto complainant.

5. Learned Additional Public Prosecutor failed to bring anything to the notice of this Court except the alleged confessional statement of accused No.1, wherein it is stated that the petitioners also participated in the alleged acts of attacking the inmates of the house of defacto complainant. The submission of the learned Additional Public Prosecutor is that 24 witnesses were examined till now. Therefore, the material part of investigation can be termed to be completed.

6. Having perceived the said fact, this Court is of the view that the request of the petitioners can be honoured, however conditionally.

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

- (i) The petitioners/accused Nos.48 and 49 are directed to surrender before the Court concerned within ten (10) days. On such surrender, they shall be enlarged on bail on each of them executing a personal bond for Rs.30,000/- (Rupees Thirty 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 petitioners/accused Nos.48 and 49 hold passport(s), they are directed to surrender the same.

(iii) The petitioners/accused Nos.48 and 49 should not involve in any unlawful activity.

(iv) The petitioners/accused Nos.48 and 49 should afford all assistance for proper investigation of the case.

(v) The petitioners/accused Nos.48 and 49 should not cause the evidence of the offence disappear.

(vi) The petitioners/accused Nos.48 and 49 should not tamper with the evidence in any manner.

(vii) The petitioners/accused Nos.48 and 49 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 petitioners/accused Nos.48 and 49 should ensure their presence whenever required by the Court or Police.

(ix) The petitioners/accused Nos.48 and 49 shall not leave India without previous permission of the court concerned.

(x) The petitioners/accused Nos.48 and 49 shall report before the Station House Officer, Adibatla Police Station, Rachakonda Commissionerate on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioners/accused Nos.48 and 49 shall file separate affidavits 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 petitioners shall intimate the court concerned by giving fresh separate 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 bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

20.3.2023
DR