

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2499 of 2023

ORDER:

1. Heard Sri Khalid Bin Sayeed, learned counsel who argued on behalf of Sri Mohd.Muzafferullah Khan, learned counsel on record for the petitioner as well as the 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 petitioner, who is arrayed as Accused in Crime No.310 of 2022 of Charminar Police Station, Hyderabad.
3. The matrix of the case as could be perceived through the contents of the complaint is that the defacto complainant was dwelling at QQ Stadium Footpath and on the date of incident, while he was sleeping, one person beat him with a stick on his left leg and left hand and he came to know that the person who beat him is the petitioner herein.

4. Learned counsel for the petitioner states that some unknown person has beat the defacto complainant and it is not the petitioner herein. Learned counsel also states that the defacto complainant nowhere narrated that he had got any association with the petitioner and it is not known how the defacto complainant had mentioned the name of the petitioner and his contact number.

5. Learned Additional Public Prosecutor, on the other hand, states that the case is still under investigation. Learned Additional Public Prosecutor also states that the statement of the defacto complainant was recorded under Section 161 Cr.P.C. Learned Additional Public Prosecutor failed to state that there is any mention in the said statement about the participation of the petitioner.

6. Thus, having perceived all these facts, 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:

- (i) The petitioners/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, Charminar Police Station, Hyderabad, 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 the 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 affidavits 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:21.03.2023
ysk

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2499 of 2023

Date:21.03.2023

ysk