

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2592 of 2023

ORDER:

1. Heard Sri Sardar Jasbeer Singh, learned counsel 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 No.2 in Crime No.25 of 2023 of Motkur Police Station.

3. Making his submission, learned counsel for the petitioner contends that the petitioner is innocent and only due to prevalence of civil disputes, the defacto complainant foisted a false case against the petitioner. Learned counsel also submits that Accused No.1 was arrested and was enlarged on bail.

4. The submission of the learned Additional Public Prosecutor, on the other hand, is that in the light of the civil disputes prevailing between the parties, the petitioner and Accused No.1 abused the defacto complainant and the case is under investigation. Learned Additional Public Prosecutor

also states that three material witnesses were examined till now.

5. Having considered the submissions thus made and taking into consideration the nature of the case and the contents of Part-I Case Diary, 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 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.30,000/- (Rupees Thirty 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, Motkur Police Station, on

every Monday 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 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:21.03.2023
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