

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3040 of 2023

ORDER:

1. Heard Sri M.Nagendra Babu, 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.69 of 2023 of Ghanpur Police Station, Jayashankar Bhupalpally District.
3. Contending that the petitioner has not committed any offence, whatsoever, learned counsel states that even as per the version of the prosecution, basing on a trivial dispute, a case was registered against the petitioner and other accused. Learned counsel states that the alleged injured sustained only simple injuries and the ingredients of Section 307 IPC are not present in the case on hand. Learned counsel also states that the material part of investigation is also completed.

4. The submission of the learned Additional Public Prosecutor is that there are two victims in this case and both those victims sustained simple injuries. Learned Additional Public Prosecutor further submits that five (5) witnesses were examined till now and the case is still under investigation.

5. Gone through the contents of the complaint as well as the copies of the wound certificates that are produced by the learned Additional Public Prosecutor. As per those certificates, both the injured sustained simple injuries only.

6. By the submission of the learned Additional Public Prosecutor, it is clear that the statements of material witnesses were already recorded.

7. Having considered these aspects, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

8. 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.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, Ghanpur 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.

9. Miscellaneous petitions pending, if any, shall stand closed.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date:27.03.2023
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