

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3109 of 2023

ORDER:

Heard Sri Baddam Narsimha Reddy, 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.2 and 7 in Crime No.33 of 2023 of Jubilee Hills Police Station, Hyderabad.

3. The facts of the case in nut-shell, as could be perceived through the contents of the complaint, are that on 16.01.2023, while the defacto complainant was present at his house, accused No.1, petitioner No.1-accused No.2, accused No.3 and others entered into his house and attacked him with sticks with an intention to kill him and thereby, the defacto complainant sustained injuries.

4. Contending that the case facts does not attract Section 307 IPC, learned counsel for the petitioners submits that the defacto complainant did not take any treatment as inpatient and a false case is foisted against the petitioners. Learned

counsel also states that as the entire investigation is also completed, anticipatory bail may be granted.

5. The submission of the learned Additional Public Prosecutor is that the defacto complainant sustained five injuries. Learned Additional Public Prosecutor produced the Injury Certificate which goes to show that the defacto complainant took treatment as inpatient only for one day and that he sustained five simple injuries.

6. Thus, having regard to the nature of the case and the submissions made, more particularly, the submission of the learned Additional Public Prosecutor that 12 witnesses were examined and that material part of investigation is completed, 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.2 and 7 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.50,000/- (Rupees Fifty 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.2 and 7 hold passports, they are directed to surrender the same.

(iii) The petitioners/accused Nos.2 and 7 should not involve in any unlawful activity.

(iv) The petitioners/accused Nos.2 and 7 should afford all assistance for proper investigation of the case.

(v) The petitioners/accused Nos.2 and 7 should not cause the evidence of the offence disappear.

(vi) The petitioners/accused Nos.2 and 7 should not tamper with the evidence in any manner.

(vii) The petitioners/accused Nos.2 and 7 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.2 and 7 should ensure their presence whenever required by the Court or Police.

(ix) The petitioners/accused Nos.2 and 7 shall not leave India without previous permission of the court concerned.

(x) The petitioners/accused Nos.2 and 7 shall report before the Station House Officer, Jubilee Hills Police Station, Hyderabad on every Monday and Thursday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioners/accused Nos.2 and 7 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

13.4.2023
DR