

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3128 of 2023

ORDER:

Heard Sri M.Nagendra Babu, learned counsel for the petitioner, 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 petitioner, who is arrayed as accused No.1 in Crime No.69 of 2023 of Ghanpur Police Station, Jayashankar Bhupalpally District.

3. Stating that the petitioner has not committed any offences whatsoever and even if the version of the prosecution is taken to be true, the case will not fall within the ambit of Section 307 IPC, but will fall under Section 324 IPC, learned counsel for the petitioner seeks pre-arrest bail.

4. The submission of the learned Additional Public Prosecutor, on the other hand, is that there were disputes between the petitioner and his associates on one side and the defacto complainant and his associates on the other side and therefore, the petitioner and his associates attacked the defacto complainant and his associates and caused injuries.

However, learned Additional Public Prosecutor states that the defacto complainant sustained simple injuries only.

5. Submitting that there are case and counter case, learned counsel for the petitioner submitted that even the petitioner sustained injuries and in that regard, as case in Crime No.71 of 2023 was registered against the defacto complainant by Ghanpur Police.

6. Gone through the contents of the material available on record.

7. Having heard the learned counsel for the petitioner as well as learned Additional Public Prosecutor and more particularly, taking into consideration that the defacto complainant sustained only simple injuries, this Court is of the view that the request of the petitioner can be honoured, however conditionally.

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

- (i) The petitioner/accused No.1 is directed to surrender before the Court concerned 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 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 petitioner/accused No.1 holds a passport, he is directed to surrender the same.

(iii) The petitioner/accused No.1 should not involve in any unlawful activity.

(iv) The petitioner/accused No.1 should afford all assistance for proper investigation of the case.

(v) The petitioner/accused No.1 should not cause the evidence of the offence disappear.

(vi) The petitioner/accused No.1 should not tamper with the evidence in any manner.

(vii) The petitioner/accused No.1 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 petitioner/accused No.1 should ensure his presence whenever required by the Court or Police.

(ix) The petitioner/accused No.1 shall not leave India without previous permission of the court concerned.

(x) The petitioner/accused No.1 shall report before the Station House Officer, Ghanpur Police Station, Jayashankar Bhupalpally District, on every Sunday and Thursday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioner/accused No.1 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 in 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 bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

31.3.2023
DR