

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3171 of 2023

ORDER:

1. Heard Sri Srinath Reddy, learned counsel representing Sri Nageshwar Rao Pujari, learned counsel on record for the petitioner as well as the learned Additional Public Prosecutor who is representing the Respondent-State.

2. This Criminal Petition is filed under Section 439 Cr.P.C. seeking the Court to enlarge the petitioner, who is arrayed as Accused No.1 in Crime No.184 of 2023 of S.R.Nagar Police Station, Hyderabad, on bail.

3. The facts of the case in brief as could be perceived through the contents of the complaint are that the *de facto* complainant is working as Sales Executive at Radhika Diamonds, Gachibowli. On 17.02.2023, the *de facto* complainant left the shop to deliver Diamond Ear Rings to one customer at Madhura Nagar. Gold and Diamond ornaments were kept in the car. At Madhura Nagar, the *de facto* complainant went inside the house of the customer by keeping the petitioner, who is the driver of the car, outside and instructing him to carefully watch the

ornaments. When the *de facto* complainant came out of the house, he found the car and the petitioner missing. The petitioner absconded with the ornaments. The total cost of the ornaments is approximately Rupees Seven Crores.

4. Making his submission, learned counsel for the petitioner contends that Sections 386, 408 and 420 IPC does not attract to the case facts and the petitioner was arrested on 25.02.2023 and was remanded to judicial custody. Learned counsel also submits that the entire ornaments were recovered and investigation is also completed and therefore, the petitioner may be enlarged on bail.

5. The submission of the learned Additional Public Prosecutor is that on completion of investigation, charge sheet is laid.

6. By the submissions made, it is clear that the petitioner is in judicial custody since more than forty five (45) days and that the entire investigation is completed. The requirement for keeping the petitioner in judicial

custody for a further period is not made out. Also, no criminal antecedents of the petitioner are projected.

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

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

- (i) The petitioner/Accused No.1 shall be enlarged on bail on his executing a personal bond for Rs.75,000/- (Rupees Seventy Five 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.1 should not involve in any unlawful activity.
- (iii) The petitioner/Accused No.1 should not cause the evidence of the offence disappear.

- (iv) The petitioner/Accused No.1 should not tamper with the evidence in any manner.
- (v) 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.
- (vi) In case the petitioner/Accused No.1 holds a passport, he shall surrender the same if the same is not seized till now.
- (vii) The petitioner/Accused No.1 should ensure his presence whenever required by the Court or Police.
- (viii) The petitioner/Accused No.1 shall not leave India without previous permission of the court concerned.
- (ix) 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.

Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date:13.04.2023

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