

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3234 of 2023

ORDER:

1. Heard Sri S.Chandra Sekhar, learned counsel for the petitioner as well as the learned Additional Public Prosecutor who is representing the Respondent-State.
2. Seeking post-arrest bail, the present Criminal Petition is filed under Section 439 Cr.P.C. on behalf of the petitioner, who is arrayed as Accused No.2 in Crime No.02 of 2023 of Kodandapur (Fcr) Police Station, Jogulamba Gadwal District.
3. Stating that the petitioner is in judicial custody since more than '90' days, learned counsel for the petitioner submits that no weapon, whatsoever, was seized from the possession of the petitioner and likewise, no stolen property was seized from the possession of the petitioner. Learned counsel also states that even the panchanama is silent about the quantity of the stolen material that was recovered by Police. Learned counsel further submits that as the entire investigation is completed, the petitioner may be enlarged on bail.

4. The submission of the learned Additional Public Prosecutor, on the other hand, is that Test Identification Parade (TIP) was conducted where the victim identified the petitioner. Learned Additional Public Prosecutor also submits that Section 164 Cr.P.C. statement of the victim was recorded and nine (9) witnesses were examined.

5. The matrix of the case as could be perceived through the contents of Part-I Case Diary is that the petitioner is Army Ex-Service man and he, along with other accused hatched a plan to commit theft of iron material from Lorries. The petitioner procured a country made pistol and twenty rounds in Delhi. On 09.01.2023, the petitioner and other accused stopped a Lorry which was carrying iron material, beat the Driver and shifted the iron material into a DCM Van and escaped with a booty.

6. As per the submission of the learned counsel for the petitioner, the petitioner is in judicial custody since 03.01.2023. By the submission of the learned Additional Public Prosecutor, it is clear that the material part of investigation is completed.

7. Having considered these 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.2 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, Kodandapur 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 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 if the same is not seized till now.
- (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 in the aforementioned details, the petitioner shall intimate the Court concerned by giving 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

Date:18.04.2023

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