

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3488 of 2023

ORDER:

Heard Sri Mohammad Adnan, 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.1 in Crime No.136 of 2023 of Miyapur Police Station, Cyberabad.

3. Making his submission, learned counsel for the petitioner contends that due to prevalence of civil disputes, a false case is foisted against the petitioner. Learned counsel states that the petitioner was arrested on 07.02.2023 and since 74 days he is in judicial custody and as the entire investigation is completed, he may be enlarged on bail.

4. On the other hand, the submission of learned Additional Public Prosecutor is that the petitioner has committed offence punishable under Section 364A IPC. Learned Additional Public Prosecutor also states that the prime accused is accused No.2 and he is absconding.

Learned Additional Public Prosecutor further submits that accused No.3 is also absconding. Learned Additional Public Prosecutor further states that ten witnesses were examined till now.

5. The case of the prosecution in brief, as could be perceived through the contents of Part-I Case Diary, is that one Mohammed Nawazuddin, who is the brother of the defacto complainant, was kidnapped by the petitioner and others and they demanded Rupees Three lakhs as ransom. Police collected the tower location of the kidnapped person, rescued him and arrested the petitioner and accused No.4.

6. By the submission of the learned Additional Public Prosecutor, it is clear that the prime accused is accused No.2. It is also clear that the petitioner is in judicial custody since more than two months and that the material part of investigation is completed.

7. Having considered these factors, 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 shall be enlarged on bail on his executing a personal bond for Rs.1,00,000/- (Rupees One lakh 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, if it is not seized by now.
- (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, Miyapur Police Station, Cyberabad, 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

17.4.2023

dr