

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3440 of 2023

ORDER:

Heard Sri B.Manav Kumar, 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 in Crime No.472 of 2022 of Vemulawada Town Police Station, Rajanna-Sircilla District.

3. Making his submission, learned counsel for the petitioner contends that the defacto complainant is the step-mother of the petitioner and due to prevalence of civil disputes between them, a false case is foisted against the petitioner. Learned counsel submits that a gift deed was executed in favour of the petitioner, but the defacto complainant did not hand over the physical possession of the property covered by the said gift deed in spite of repeated demands. Learned counsel further states that the defacto complainant filed a suit, *vide* O.S.No.279 of 2022 for cancellation of the gift deed and the said suit is pending

before the Court of Principal Junior Civil Judge, Vemulawada. Learned counsel also states that as the defacto complainant could not get any relief in the said suit, she gave false complaint to Police and got registered a criminal case against the petitioner and therefore, the petitioner is before this Court seeking anticipatory bail.

4. The submission of the learned Additional Public Prosecutor, on the other hand, is that the petitioner high handedly entered into the hut of the defacto complainant, threatened her and set fire to the said hut and the case is still under investigation.

5. As per the material available on record, the case was registered in the month of December, 2022. Learned counsel for the petitioner produced relevant material to show the presence of civil dispute between the petitioner and the defacto complainant. Also, the requirement for arrest of the petitioner is not indicated anywhere. Therefore, this Court is of the view that the request of the petitioner can be honoured, however conditionally.

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

- (i) The petitioner/accused 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 holds a passport, he is directed to surrender the same.
- (iii) The petitioner/accused should not involve in any unlawful activity.
- (iv) The petitioner/accused should afford all assistance for proper investigation of the case.
- (v) The petitioner/accused should not cause the evidence of the offence disappear.
- (vi) The petitioner/accused should not tamper with the evidence in any manner.

(vii) The petitioner/accused 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 should ensure his presence whenever required by the Court or Police.

(ix) The petitioner/accused shall not leave India without previous permission of the court concerned.

(x) The petitioner/accused shall report before the Station House Officer, Vemulawada Town Police Station, Rajanna-Sircilla 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 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

19.4.2023
DR