

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3566 of 2023

ORDER:

Heard Sri Papaiah Peddakula, learned counsel for the petitioners, 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 petitioners, who are arrayed as accused Nos.3 and 4 in Crime No.56 of 2023 of Alair Police Station.

3. Making his submission, learned counsel for the petitioners contends that the petitioners have not committed any offence whatsoever. Learned counsel states that both the petitioners are agricultural labourers and they were engaged by the prime accused and thus, they have not committed any offence whatsoever. Learned counsel also states that the entire investigation is completed and therefore, the request of the petitioners may be honoured.

4. On the other hand, the submission of the learned Additional Public Prosecutor is that there was connivance between the petitioners and the prime accused for procuring

explosives illegally for conducting blasting activity at the site so as to reduce labour. Learned Additional Public Prosecutor also states that seven witnesses were examined till now.

5. Gone through the contents of the material available on record including the contents of the complaint.

6. Having considered the fact of completion of material part of investigation and taking into consideration the submission of the learned counsel for the petitioners, this Court is of the view that the request of the petitioners can be honoured, however conditionally.

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

- (i) The petitioners/accused Nos.3 and 4 are directed to surrender before the Court concerned within ten (10) days. On such surrender, they shall be enlarged on bail on each of them 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 petitioners/accused Nos.3 and 4 hold passport(s), they are directed to surrender the same.

(iii) The petitioners/accused Nos.3 and 4 should not involve in any unlawful activity.

(iv) The petitioners/accused Nos.3 and 4 should afford all assistance for proper investigation of the case.

(v) The petitioners/accused Nos.3 and 4 should not cause the evidence of the offence disappear.

(vi) The petitioners/accused Nos.3 and 4 should not tamper with the evidence in any manner.

(vii) The petitioners/accused Nos.3 and 4 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 petitioners/accused Nos.3 and 4 should ensure their presence whenever required by the Court or Police.

(ix) The petitioners/accused Nos.3 and 4 shall not leave India without previous permission of the court concerned.

(x) The petitioners/accused Nos.3 and 4 shall report before the Station House Officer, Alair Police Station on every Sunday and Thursday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioners/accused Nos.3 and 4 shall file separate affidavits 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 petitioners shall intimate the court concerned by giving fresh separate affidavits duly mentioning the change. They 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

18.4.2023
DR