

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3665 of 2023

ORDER:

1. Heard Sri K.Ajay Kumar, learned counsel for the petitioner as well as the 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 No.1 in Crime No.50 of 2023 of Mandamarri Police Station, Mancherial District.

3. Contending that the petitioner has not committed any offences whatsoever, learned counsel for the petitioner submits that it is the other party who attacked the family members of the petitioner. Learned counsel submits that in that regard, a case in Crime No.49 of 2023 of Mandamarri Police Station was registered that the accused therein committed offences punishable under Sections 448, 307 and 323 IPC. Leaned counsel also states that the concerned Court granted Anticipatory bail in favour of the accused therein, but refused to grant the same relief in favour of the petitioner herein. Learned counsel further

submits that the case facts does not attract Section 326 IPC as no deadly weapon is used and thus, anticipatory bail may be granted.

4. The submission of the learned Additional Public Prosecutor, on the other hand, is that one of the victims sustained grievous injury and a stone was used for causing such injury and thus, the case facts attracts Section 326 IPC. Learned Additional Public Prosecutor also states that five (5) witnesses were examined till now.

5. By all the submissions made and the material available on record, it is clear that two criminal cases were registered on the same day, one against the petitioner herein and his members and other against the party of the *de facto* complainant in this case.

6. Having considered the said fact and also taking into consideration the fact of examination of material witnesses by the Investigating Agency, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

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

- (i) The petitioner/Accused No.1 is directed to surrender before the concerned Court 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 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 shall report before the Station House Officer, Mandamarri Police Station, Mancherial District, on every Sunday, Tuesday and Thursday between 10.30 A.M. and 12:00 P.M. till filing of final report.
- (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) In case the petitioner/Accused No.1 holds a passport, he shall surrender the same.
- (ix) The petitioner/Accused No.1 should ensure his presence whenever required by the Court or Police.
- (x) The petitioner/Accused No.1 shall not leave India without previous permission of the Court concerned.
- (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 of 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 pre-arrest bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date:20.04.2023
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