

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3861 of 2023

ORDER:

1. Heard Sri N.Narayana, 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 in Crime No.73 of 2023 of Raghunathapalli Police Station, Warangal District.

3. The matrix of the case as could be perceived through the contents of the complaint is that the petitioner, who is an Advocate by profession, approached the Tahsildar's office, Raghunadhapalli, on 15.04.2023 for filing an RTI application and abused the Deputy Tahsildar in filthy language. On that, the *de facto* complainant, who is the Tahsildar, questioned him and on that, the petitioner abused the Tahsildar also and obstructed his duties.

4. Stating that the petitioner has not committed any offence, whatsoever, learned counsel for the petitioner submits that none of the provisions mentioned i.e.,

Sections 290, 509, 353, 504 and 506 IPC attracts the case facts. Learned counsel also states that the alleged offences are punishable with imprisonment which is less than seven years. Learned counsel also states that notice under Section 41-A Cr.P.C. was served upon the petitioner, however, the petitioner apprehends arrest and therefore, the petitioner is before this Court.

5. Learned Additional Public Prosecutor, on the other hand, submits that the case is still under investigation. Learned Additional Public Prosecutor did not deny the fact that notice under Section 41-A Cr.P.C. was issued to the petitioner. Also, nothing is stated about the alleged breach of terms and conditions that are mentioned in the said notice.

6. Thus, having regard to the submissions made and taking into consideration the fact that the material part of investigation is completed as submitted by the learned Additional Public Prosecutor, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

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

- (i) The petitioner/Accused 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.30,000/- (Rupees Thirty 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 shall report before the Station House Officer, Raghunathapalli Police Station on every Sunday between 10.30 A.M. and 12:00 P.M. till filing of final report.
- (iii) The petitioner/Accused should not involve in any unlawful activity.
- (iv) The petitioners/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) In case the petitioner/Accused holds a passport, he shall surrender the same.
- (ix) The petitioner/Accused should ensure his presence whenever required by the Court or Police.
- (x) The petitioner/Accused shall not leave India without previous permission of the Court concerned.
- (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 of 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 pre-arrest bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date:25.04.2023
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