

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3925 of 2023

ORDER:

Heard Sri C.Hari Preeth, learned counsel for the petitioners, as well as the learned Additional Public Prosecutor who is representing the respondent-State. Despite service of notice upon respondent No.2, none appears.

2. Seeking the Court to enlarge the petitioners, who are arrayed as accused Nos.1 and 2 in Crime No.45 of 2023 of Nawabpet Police Station, Vikarabad District, on bail, the present Criminal Petition is filed under Section 439 Cr.P.C.

3. The matrix of the case, as could be perceived through the contents of the complaint, is that the petitioners entered into the land of the defacto complainant, cut the mango trees which were present in the said land and broke the pillars. Further, they used abusive language against the person who questioned.

4. Contending that the petitioners have not committed any offence whatsoever, learned counsel for the petitioners states that series of complaints are being given against the petitioners by the defacto complainant only to bring the

petitioners to his terms. Learned counsel states that on the same set of facts, two complaints were given and two cases were registered and in both those cases, notices under Section 41-A Cr.P.C. were issued and the present case is the third case. Learned counsel also states that the petitioners were arrested and remanded to judicial custody on 25.3.2023 and since then, they are in judicial custody and therefore, they may be enlarged on bail.

5. Learned Additional Public Prosecutor submits that though the statements of the material witnesses were recorded, yet the investigation is pending.

6. Gone through the contents of the relevant material that is brought on record.

7. Having considered the submissions made by both parties, taking into consideration the fact of completion of the material part of investigation and that the petitioners are in judicial custody since one month, this Court is of the view that the request of the petitioners can be honoured, however conditionally.

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

- (i) The petitioners/accused Nos.1 and 2 shall be enlarged on bail on each of them executing a personal bond for Rs.30,000/- (Rupees Thirty 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 petitioners/accused Nos.1 and 2 hold passport, they are directed to surrender the same, if they were not seized by now.
- (iii) The petitioners/accused Nos.1 and 2 should not involve in any unlawful activity.
- (iv) The petitioners/accused Nos.1 and 2 should afford all assistance for proper investigation of the case.
- (v) The petitioners/accused Nos.1 and 2 should not cause the evidence of the offence disappear.
- (vi) The petitioners/accused Nos.1 and 2 should not tamper with the evidence in any manner.

(vii) The petitioners/accused Nos.1 and 2 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.1 and 2 should ensure their presence whenever required by the Court or Police.

(ix) The petitioners/accused Nos.1 and 2 shall not leave India without previous permission of the court concerned.

(x) The petitioners/accused Nos.1 and 2 shall report before the Station House Officer, Nawabpet Police Station, Vikarabad District, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioners/accused Nos.1 and 2 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 separate fresh 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

26.4.2023
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