

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3905 of 2023

ORDER:

Heard Sri Bharath Kumar, learned counsel, who represented Sri K.Sai Krishna Mohan Rao, learned counsel on record for the petitioner, as well as the learned Additional Public Prosecutor who is representing the respondent-State.

2. Seeking the Court to enlarge the petitioner, who is arrayed as accused No.2 in Crime No.50 of 2023 of Hatnoora Police Station, Sanga Reddy District, on bail, the present Criminal Petition is filed under Section 439 Cr.P.C.

3. The allegation that is levelled against the petitioner, as per the contents of Part-I Case Diary, is that he along with other accused criminally trespassed into the land which belongs to Geetha Karmika Sangham and committed theft of one bore and cable wire.

4. Contending that the petitioner is innocent, learned counsel for the petitioner submits that the dispute is purely civil in nature. Learned counsel further states that a suit in O.S.No.48 of 2022 regarding the same subject matter is pending before the Court of Junior Civil Judge, Narsapur.

Learned counsel also states that with regard to the same dispute, a writ petition *vide* W.P.No.2001 of 2023 was filed before this court. Learned counsel also states that in the light of the prevailing civil disputes, a false case is foisted against the petitioner and other accused. Learned counsel further states that the petitioner was arrested on 05.4.2023 and remanded to judicial custody and since then, he is in judicial custody and therefore, he may be enlarged on bail.

5. The submission of the learned Additional Public Prosecutor, on the other hand, is that eight witnesses were examined till now and the investigation is still in progress.

6. Gone through the contents of the material available on record. Having considered the nature of the dispute and the material that is brought to the notice of this court by the learned counsel for the petitioner and also taking into consideration the fact that the material part of investigation is completed, this Court is of the view that the request of the petitioner can be honoured, however conditionally.

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

- (i) The petitioner/accused No.2 shall be enlarged on bail on his 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 petitioner/accused No.2 holds a passport, he is directed to surrender the same, if it is not seized by now.
- (iii) The petitioner/accused No.2 should not involve in any unlawful activity.
- (iv) The petitioner/accused No.2 should afford all assistance for proper investigation of the case.
- (v) The petitioner/accused No.2 should not cause the evidence of the offence disappear.
- (vi) The petitioner/accused No.2 should not tamper with the evidence in any manner.

(vii) The petitioner/accused No.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 petitioner/accused No.2 should ensure his presence whenever required by the Court or Police.

(ix) The petitioner/accused No.2 shall not leave India without previous permission of the court concerned.

(x) The petitioner/accused No.2 shall report before the Station House Officer, Hatnoora Police Station, Sanga Reddy District, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioner/accused No.2 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

26.4.2023

dr