

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.4013 of 2023

ORDER:

1. Heard Sri Krishna Kalyan, learned counsel who argued on behalf of Sri K.Venu Madhav, learned counsel on record for the petitioners 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 petitioners, who are arrayed as Accused Nos.1 & 2 in Crime No.72 of 2014 of Mailardevpally Police Station.
3. Contending that the petitioners are innocent and they are falsely roped in a criminal case, learned counsel for the petitioners submits that even as per the contents of the complaint, the dispute is purely civil in nature. Learned counsel submits that having regard to the false allegations levelled, the petitioners filed a petition before this Court for quash of proceedings and the said petition stood dismissed and hence, now Police are trying to arrest the petitioners arbitrarily and therefore, anticipatory bail may be granted.

Learned counsel also states that there are civil suits pending between the defacto complainant and the petitioners.

4. The submission of the learned Additional Public Prosecutor, on the other hand, is that the defacto complainant filed a private complaint basing on which a case was registered. Thereafter, the petitioners filed a petition before this Court for quash of proceedings and stay of investigation was ordered. Subsequently, the Criminal Petition filed for quash of proceedings stood dismissed and thus, now Police are investigating the case.

5. A perusal of the contents of the complaint and the relevant material brought on record goes to show that the dispute is more civil in nature. However, no opinion in affirmative can be given. But, the need and necessity for arresting the petitioners and remanding them to judicial custody is neither projected nor made out.

6. Therefore, this Court is of the view that the request of the petitioners can be considered, however, conditionally.

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

- (i) The petitioners/Accused Nos.1 & 2 are directed to surrender before the concerned Court within ten (10) days. On such surrender, they shall be enlarged on bail on their executing a personal bond for Rs.30,000/- (Rupees Thirty Thousand only) each 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 petitioners/Accused Nos.1 & 2 should not involve in any unlawful activity.
- (iii) The petitioners/Accused Nos.1 & 2 should afford all assistance for proper investigation of the case.
- (iv) The petitioners/Accused Nos.1 & 2 should not cause the evidence of the offence disappear.
- (v) The petitioners/Accused Nos.1 & 2 should not tamper with the evidence in any manner.

- (vi) The petitioners/Accused Nos.1 & 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.
- (vii) In case the petitioners/Accused Nos.1 & 2 hold a passport, they shall surrender the same.
- (viii) The petitioners/Accused Nos.1 & 2 should ensure their presence whenever required by the Court or Police.
- (ix) The petitioners/Accused Nos.1 & 2 shall not leave India without previous permission of the Court concerned.
- (x) The petitioners/Accused Nos.1 & 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 of the aforementioned details, the petitioners shall intimate the court concerned by giving 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 pre-arrest bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date:28.04.2023
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