

THE HONOURABLE SRI JUSTICE SAMBASIVA RAO NAIDU

CRIMINAL PETITION No.4628 OF 2023

ORDER:

This Criminal Petition is filed by the petitioner – accused No.2 under Section 438 of Criminal Procedure Code seeking pre-arrest bail in FIR No.123 of 2023 on the file of Station House Officer, P.S. Mills Colony, Warangal District, registered for the offences under Section 419, 465 and 468 of Indian Penal Code and Section 156(3) of Cr.P.C.

2. Heard the learned counsel appearing for the petitioner – Accused No.2, learned Public Prosecutor appearing for the respondent-State and perused the grounds of bail application.

3. Learned counsel for the petitioner submitted that for an offence alleged to have been committed in the year 2015, a private complaint was lodged by the complainant before the I Additional Judicial First Class Magistrate Court, Warangal at Hanmakonda during the year 2022 and even, as per the complaint, only one person by name Gaddam

Yugender is shown as accused and when the private complaint was referred to police, the same was registered a case in Crime No.123 of 2023 for the offences under Section 419, 465 and 468 of IPC and Section 156 (3) of Cr.P.C.

4. Learned counsel for the petitioner further submitted that in the complaint which was filed before the Court, the complainant did not disclose the name of accused No.2, who is the petitioner herein nor there is any averment against him. But in the remand report of accused No.1, the Investigating Officer has mentioned the name of the petitioner herein as accused No.2, absolutely without any prima facie material. Learned counsel further submits that since the offence said to have been committed in the year 2015, the same is barred by limitation under Section 468 of Cr.P.C.

5. On the other hand, learned Public Prosecutor opposed for granting bail to the petitioner.

6. Having regard to the facts and circumstances of the case, this is not the stage for going into the merits of the offence, however as rightly contended by the counsel, in the private complaint filed before the I Additional Judicial First Class Magistrate Court, Warangal at Hanmakonda during the year 2022 nothing is attributed against the petitioner herein and it is not known how the Investigating Officer found case against the petitioner. Therefore, it is a fit case for granting pre arrest bail to the petitioner.

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

- i) The petitioner – accused No.2 is directed to surrender before the Court concerned on or before 25.05.2023, on such surrender, he shall be enlarged on bail on his executing personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the Court concerned.

- ii) In case, the petitioner – Accused holds a passport, they are directed to surrender the same before the Court concerned.
- iii) The petitioner – Accused shall not involve in any unlawful activity.
- iv) The petitioner – Accused shall not leave the headquarters without the prior permission of the Court concerned.
- v) The petitioner – Accused shall not tamper with the evidence in any manner.
- vi) The petitioner – Accused shall abide by the conditions stipulated in Section 438 (2) of Cr.P.C and cooperate with the Investigating Officer in investigating the crime.

As a sequel, miscellaneous petitions, if any pending, shall stand closed.

JUSTICE SAMBASIVA RAO NAIDU

Date: 18.05.2023
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