

THE HONOURABLE SRI JUSTICE N. TUKARAMJI**CRIMINAL PETITION No.5607 OF 2024****ORDER:**

1. This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner/Accused No.13 in Split Up S.C.No.25 of 2019 (Old S.C.No.308 of 2018) on the file of VI Additional Chief Metropolitan Magistrate at Hyderabad, registered for the offences under Sections 143, 147, 148, 302, 201, 212, 120(B) r/w 149 of Indian Penal Code and Section 25(1)(b) of Arms Act.

2. I have heard Sri P.Rana Kamalasan, learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State and perused the record.

3. The specific allegation against the petitioner is that in conspiracy and connivance with the other accused, he

helped the accused Nos.1 and 2 to escape from Hyderabad after the offence.

4. Learned counsel for the petitioner would submit that the petitioner was granted bail by the Sessions Court at the initial stage. However, after sometime to procure his livelihood, as the petitioner left the jurisdiction of the Court could not attend the matter and on execution of Non-Bailable Warrant, he was taken into custody on 10.04.2024. Further, submits that the investigation has been completed and charge sheet was filed and for the presence of the petitioner, case was split up, however, main Sessions case is also pending for trial. He further submits that the prosecution had already collected materials against the petitioner and continuance of his custody would not serve any purpose, hence, prayed for grant of bail.

5. Learned Additional Public Prosecutor opposed bail application and would submit that as the petitioner

jumped bail and could not secure his presence, the matter was split up and except for securing presence for judicial process, there is no reason for continuance of his custody.

6. The submissions of learned counsel are duly considered and materials placed on record are perused.

7. Considering the allegations against the petitioner, completion of investigation and the stage of Sessions case and the continuance of custody is only to secure his presence for judicial process, this Court is inclined to grant bail, however with certain conditions to meet the apprehension of the prosecution.

8. Accordingly, the petitioner/accused No.13 is directed to be released on bail on executing a self bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties, for a like sum each to the satisfaction of the VI Additional Chief Metropolitan

Magistrate, at Hyderabad. Further, the petitioner/Accused is directed to make himself available for the judicial process on every adjournment, except for the leave of the Court. The petitioner/accused shall not interfere or intimidate the prosecution witnesses nor shall attempt to tamper with the evidence. The petitioner shall submit affidavit to the Court and also the Station House Officer concerned stating his residence and contact particulars and update the same from time to time till conclusion of the case. The petitioner shall not indulge in any illegal activity while on bail. If the petitioner/accused commits any breach of the above conditions, the investigating agency/prosecution shall be at liberty to initiate proceedings for cancellation of bail. Additionally petitioner/Accused shall abide by the other conditions stipulated under Section 437(3) of Cr.P.C.

9. Accordingly, this Criminal Petition is allowed.
Miscellaneous applications, pending if any, shall stand closed.

Date: 06.06.2024
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N.TUKARAMJI, J

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Dt.06.06.2024

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