

**HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA**

**CRIMINAL PETITION No.7480 of 2022**

**ORDER:**

1. Heard Sri V.Raghunath, learned counsel for the petitioner, the learned Additional Public Prosecutor who is representing Respondent No.1 as well as Sri L.Harish, learned counsel appearing for Respondent No.2/*de facto* complainant.

2. Seeking pre-arrest bail, the petitioner, who is arrayed as Accused in Crime No.79 of 2022 of Nannel Police Station, Ramagundam District, is before this Court.

3. Learned counsel for the petitioner states that even as per the contents of the complaint, the petitioner fell in love with the 2<sup>nd</sup> respondent/*de facto* complainant and both accepted for getting married and thereafter, they cohabited. But somehow, the marriage could not take place. Learned counsel states that that does not mean that the petitioner has committed offences punishable under Section 376 IPC and Section 6 of Protection of Children from Sexual Offences Act. Learned counsel further submits that there is no proof to show that the 2<sup>nd</sup> respondent was a minor as

on the alleged date and even as per the contents of the complaint, she was aged about 23 years by the date of complaint and therefore, the said fact has to be taken into consideration. But opposing the said submission, learned counsel for the 2<sup>nd</sup> respondent states that though the 2<sup>nd</sup> respondent was aged about 23 years as on the date of complaint, she was minor as on the date of offence and hence, the same has to be taken into consideration. Learned counsel for the 2<sup>nd</sup> respondent also submits that the petitioner gave some tablets to the 2<sup>nd</sup> respondent twice by which the 2<sup>nd</sup> respondent lost her pregnancy and later, the petitioner did not accept to marry the 2<sup>nd</sup> respondent and thus, the 2<sup>nd</sup> respondent, who was deceived by the petitioner, gave complaint to police.

4. The submission of the learned Additional Public Prosecutor is that six witnesses are examined till now and the case is under investigation.

5. As per the contents of the complaint, the 2<sup>nd</sup> respondent completed her X standard in the year 2014, took gap for one year and joined Intermediate in the year 2016 and at that time, she got into contact with the

petitioner. As per her version, the petitioner used to take her to her college in an Auto. In that course, they fell in love with each other and subsequently, the petitioner cohabited with her with a false promise of marrying her. Therefore, the Investigating Agency has to investigate and cull out the truth in the allegation that the 2<sup>nd</sup> respondent was minor as on the date of the said incidents. That apart, as per the submission of the learned Additional Public Prosecutor, material witnesses are already examined.

6. Therefore, taking into consideration the nature of the case and the stage of investigation, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

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

- (i) The petitioner/Accused is directed to surrender before the concerned Court within ten (10) days. On such surrender, he shall be enlarged on bail on his executing a personal bond for Rs.50,000/- (Rupees Fifty Thousand only) 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 petitioner/Accused shall report before the Station House Officer, Nannel Police Station, Ramagundam District, on every Monday between 10.30 a.m. and 12:00 p.m. till filing of final report.
- (iii) The petitioner/Accused should not involve in any unlawful activity.
- (iv) The petitioner/Accused should afford all assistance for the proper investigation of the case.
- (v) The petitioner/Accused should not cause the evidence of the offence disappear.
- (vi) The petitioner/Accused should not tamper with the evidence in any manner.
- (vii) The petitioner/Accused 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) In case the petitioner/Accused holds a passport, he shall surrender the same.
- (ix) The petitioner/Accused should ensure his presence whenever required by the Court or Police.
- (x) The petitioner/Accused shall not leave India without previous permission of the court concerned.
- (xi) The petitioner/Accused 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 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 pre-arrest bail granted.

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**Dr. JUSTICE CHILLAKUR SUMALATHA**

Date: 24.11.2022  
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**CRIMINAL PETITION No.7480 of 2022**

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**CIVIL REVISION PETITION No.3578 of 2018**

27.12.2021

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