

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10016 of 2022

ORDER:

Heard Sri B.Anil, learned counsel who argued on behalf of Sri N.Janardhan Reddy, learned counsel on record for the petitioner as well as learned Additional Public Prosecutor who is representing the respondent.

2. Seeking the Court to enlarge the petitioner, who is arrayed as accused No.1 in Crime No.280 of 2022 of Bowenpally Police Station, Secunderabad, on bail, the present Criminal Petition is filed.

3. Learned counsel for the petitioner states that the petitioner has not committed any offences whatsoever and indeed, the petitioner fell in love with the de-facto complainant, but due to some miss-understandings, their marriage could not take place and aggrieved by the same, the de-facto complainant gave complaint to police with false allegations. Learned counsel also states that the petitioner is in judicial custody since 21.10.2022 and indeed, the procedure required to be followed while effecting arrest and enquiry were also not followed. Learned counsel also

submits that as the entire investigation is completed, the petitioner may be enlarged on bail.

4. On the other hand, learned Additional Public Prosecutor states that though material witnesses were examined, the other accused i.e., accused Nos.2 to 4 are still absconding.

5. In reply to the said submission, learned counsel for the petitioner states that accused Nos.2 to 4 are not absconding and in the remand report itself, there is a clear mention that the involvement of accused Nos.2 to 4 is yet to be established. Learned counsel submits that, therefore, those accused were not arrested.

6. By the submissions thus made by the learned counsel for the petitioner and more particularly, by the learned Additional Public Prosecutor, it is clear that material part of investigation is completed.

7. The gamut of the case is that the petitioner fell in love with the de-facto complainant and they both spent some time at Hyderabad as well as at Bangalore and in that course, the petitioner participated in sexual intercourse with the de-facto complainant. As per the contention of the defacto

complainant, the petitioner assaulted her sexually. By the material available on record and by the submission of learned Additional Public Prosecutor, it is clear that material part of investigation is completed. It is not projected that the requirement of the petitioner to remain in judicial custody still exists. Therefore, this Court is of the view that the petitioner can be enlarged on bail, however conditionally.

8. Resultantly, this criminal petition is allowed with the following conditions:-

(i) The petitioner/accused No.1 shall be enlarged on bail on his executing a personal bond for Rs.50,000/- (Rupees Fifty 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.1 holds a passport, he is directed to surrender the same, if it is not seized by now.

(iii) The petitioner/accused No.1 should not involve in any unlawful activity.

(iv) The petitioner/accused No.1 should afford all assistance for proper investigation of the case.

(v) The petitioner/accused No.1 should not cause the evidence of the offence disappear.

(vi) The petitioner/accused No.1 should not tamper with the evidence in any manner.

(vii) The petitioner/accused No.1 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.1 should ensure his presence whenever required by the Court or Police.

(ix) The petitioner/accused No.1 shall not leave India without previous permission of the court concerned.

(x) The petitioner/accused No.1 shall report before the Station House Officer, Bowenpally Police Station, Secunderabad, on every Monday

between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioner/accused No.1 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.

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

Dr. JUSTICE CHILLAKUR SUMALATHA

22.11.2022
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