

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10280 of 2022

ORDER:

Heard the submission of Sri Rapolu Bhaskar, learned counsel 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.254 of 2022 of Yellandu Police Station, Bhadrachari-Kothagudem District, on bail, the present Criminal Petition is filed.

3. Learned counsel for the petitioner states that the petitioner has not committed any offence whatsoever. Learned counsel submits that the defacto complainant, who is the wife of the petitioner, filed a private complaint basing on which a case was registered against the petitioner and his family members. Learned counsel submits that so far as the other accused are concerned, when they moved an application for quash of proceedings, stay of investigation was ordered, but the petitioner was arrested and was remanded to judicial custody. Learned counsel also submits that the petitioner is in judicial custody since 02.11.2012.

Learned counsel contends that even as per the contents of the complaint, the marriage of the petitioner was performed with the defacto complainant on 30.12.2021 and thus, the petitioner cannot be tagged with offence punishable under Section 376 IPC.

4. On the other hand, the submission of the learned Additional Public Prosecutor is that the case is under investigation. However, learned Additional Public Prosecutor states that six material witnesses were examined till now. Therefore, the material part of investigation is completed.

5. Having considered the submission made by the learned counsel for the petitioner, the allegations levelled against the petitioner in the complaint and the stage of investigation, this Court is of the view that the request of the petitioner for grant of bail can be honoured, however conditionally.

6. 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.30,000/- (Rupees Thirty 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, Yellandu Police Station, Bhadradri-Kothagudem District, 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.

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

Dr. JUSTICE CHILLAKUR SUMALATHA

25.11.2022
DR