

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10748 of 2022

ORDER:

Heard Sri K.Laxmaiah, learned counsel for the petitioner, as well as learned Additional Public Prosecutor who is representing the respondent-State.

2. Seeking pre-arrest bail, the petitioner, who is arrayed as accused in Crime No.162 of 2022 of Tappa Chabutra Police Station, Hyderabad, has filed the present Criminal Petition.

3. Learned counsel for the petitioner states that initially, a case was registered against the petitioner that he committed offences punishable under Sections 420 and 417 IPC and thereafter, Section 376 IPC was added and indeed, the petitioner is innocent. Learned counsel submits that as per the contents of the complaint itself, it is clear that there is consensual sexual relationship between the petitioner and the defacto complainant and therefore, the case will not fall within the ambit of Section 376 IPC. The contents of the material that is produced on record justifies the submission that initially, the case was registered for the offences

punishable under Sections 420 and 417 IPC only. Also, as per the contents of the complaint, the defacto complainant made a clear mention that herself and the petitioner had sexual intercourse with an understanding.

4. The submission of the learned Additional Public Prosecutor is that eight material witnesses were examined till now. Therefore, it is clear that material part of investigation is completed.

5. Hence, having considered the material produced and the argument of the learned counsel for the petitioner and further, taking into consideration the fact that material part of investigation is completed, this Court is of the view that the relief sought for can be honoured, however conditionally.

6. Resultantly, this Criminal Petition is allowed with the following conditions:-

- (i) The petitioner/accused is directed to surrender before the Court concerned within ten (10) days. On such surrender, he 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 holds a passport, he is directed to surrender the same.

(iii) The petitioner/accused should not involve in any unlawful activity.

(iv) The petitioner/accused should afford all assistance for 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) The petitioner/accused should ensure his presence whenever required by the Court or Police.

(ix) The petitioner/accused shall not leave India without previous permission of the court concerned.

(x) The petitioner/accused shall report before the Station House Officer, Tappa Chabutra Police Station, Hyderabad, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(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 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

09.12.2022
DR