

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10857 of 2022

ORDER:

1. Heard Sri V.Sreenivasa Rao, learned counsel for the petitioners as well as the learned Additional Public Prosecutor who is representing the respondent-State.

2. Seeking pre-arrest bail, the petitioner Nos.1 & 2, who are arrayed as Accused Nos.2 & 3 in Crime No.239 of 2022 of Dammamet Police Station, Bhadradi Kothagudem District, are before this Court.

3. Making his submission, learned counsel for the petitioners contends that the petitioners have not committed any offences whatsoever. Learned counsel states that it is the Accused No.1, who refused to marry the *de facto* complainant and there is no involvement of the petitioners whatsoever. Learned counsel also states that only because the 1st petitioner is the brother and the 2nd petitioner is the sister-in-law of Accused No.1, they are implicated in a false case and Police are trying to arrest the petitioners and therefore, anticipatory bail may be granted.

4. On the other hand, the learned Additional Public Prosecutor submits that the petitioners supported Accused No.1 and thereby, the marriage between Accused No.1 and the *de facto* complainant could not be performed and hence, the *de facto* complainant gave complaint to Police.

5. The matrix of the case as could be perceived through the contents of the complaint is that the family of Accused No.1 and the family of the *de facto* complainant agreed to perform the marriage of Accused No.1 with the *de facto* complainant. Subsequently, Accused No.1 participated in the sexual intercourse with the *de facto* complainant. Later, Accused No.1 informed the *de facto* complainant that he is not interested to marry her. The petitioners also stated that as Accused No.1 is not inclined to marry the *de facto* complainant, the marriage cannot be performed.

6. Having regard to the averments in the complaint and taking into consideration the submission of the learned counsel for the petitioners, this Court is of the view that the request of the petitioners can be honoured, however, conditionally.

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

- (i) The petitioners/Accused Nos.2 & 3 are directed to surrender before the concerned Court within ten (10) days. On such surrender, they shall be enlarged on bail on their executing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 petitioners/Accused Nos.2 & 3 shall report before the Station House Officer, Dammapet Police Station, Bhadradi Kothagudem District, on every Monday between 10.30 A.M. and 12:00 P.M. till filing of final report.
- (iii) The petitioners/Accused Nos.2 & 3 should not involve in any unlawful activity.
- (iv) The petitioners/Accused Nos.2 & 3 should afford all assistance for the proper investigation of the case.

- (v) The petitioners/Accused Nos.2 & 3 should not cause the evidence of the offence to disappear.
- (vi) The petitioners/Accused Nos.2 & 3 should not tamper with the evidence in any manner.
- (vii) The petitioners/Accused Nos.2 & 3 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 petitioners/Accused Nos.2 & 3 holds passport, they shall surrender the same.
- (ix) The petitioners/Accused Nos.2 & 3 should ensure their presence whenever required by the Court or Police.
- (x) The petitioners/Accused Nos.2 & 3 shall not leave India without previous permission of the Court concerned.
- (xi) The petitioners/Accused Nos.2 & 3 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 petitioners shall intimate the

Court concerned by giving a fresh affidavit duly mentioning the change. They 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.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date: 13.12.2022
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HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10857 of 2022

Date:13.12.2022

ysk

CIVIL REVISION PETITION No.3578 of 2018

27.12.2021

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