

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.11056 of 2022

ORDER:

Heard Sri T.Rajinikanth Reddy, learned counsel for the petitioner, as well as learned Additional Public Prosecutor who is representing respondent No.1-State. Despite service of notice upon respondent No.2-defacto complainant, none appears.

2. Seeking the Court to enlarge the petitioner, who is arrayed as accused in Crime No.275 of 2022 of Falaknuma Police Station, Hyderabad, on bail, the present Criminal Petition is filed under Section 439 Cr.P.C.

3. Making his submission, learned counsel for the petitioner contends that as per the version of the prosecution, the petitioner fell in love with the victim girl and even the victim girl fell in love with the petitioner and thereafter, both had sexual intercourse. Learned counsel states that only because the father of the victim girl narrated her to be a minor, the petitioner was booked for the offence punishable under the provisions of the Protection of Children from Sexual Offences Act, 2012 and Section 376 IPC and indeed,

the petitioner did not commit any such offences. Learned counsel also states that the petitioner is in judicial custody since more than 50 days and as the entire investigation is completed, he may be enlarged on bail. Learned counsel also states that earlier bail application was dismissed on the ground of pendency of investigation.

4. Learned Additional Public Prosecutor states that on completion of investigation, charge sheet is laid. No other ground is projected by the prosecution for keeping the petitioner in judicial custody for further period. Therefore, this Court considers it desirable to honour the request of the petitioner, however conditionally.

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

- (i) The petitioner/accused 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, if it is not seized by now.

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

(iv) The petitioner/accused should not cause the evidence of the offence disappear.

(v) The petitioner/accused should not tamper with the evidence in any manner.

(vi) 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.

(vii) The petitioner/accused should ensure his presence whenever required by the Court or Police.

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

Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the bail granted.

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

Dr. JUSTICE CHILLAKUR SUMALATHA

29.12.2022
DR