

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.11248 of 2022

ORDER:

Heard Sri Ambedkar, learned counsel, representing Sri G.Purushotham Reddy, learned counsel on record for the petitioner, as well as learned Additional Public Prosecutor who is representing the respondent-State. Despite service of notice upon the defacto complainant, none appears.

2. This Criminal Petition under Section 439 Cr.P.C is filed seeking the Court to enlarge the petitioner, who is arrayed as accused in Crime No.401 of 2022 of Vemulawada Town Police Station, Rajanna-Sircilla District, on bail.

3. Making his submission, learned counsel for the petitioner contends that petitioner has not committed any offence whatsoever and further, there is delay of more than seven months in giving complaint to Police and a false case is foisted against the petitioner and the petitioner is in judicial custody since 45 days and therefore, he may be enlarged on bail.

4. Learned Additional Public Prosecutor submits that 19 witnesses were examined till now.

5. As per the version of the prosecution, the petitioner informed the defacto complainant, who is aged about 17 years, that he fell in love with her and thereafter, participated in sexual intercourse with her and subsequently, requested her to give divorce to her husband. The victim-girl accordingly got divorce in the presence of elders, but subsequently, the petitioner failed to respond. As per the submission of the learned Additional Public Prosecutor, material part of investigation is completed. Therefore, this Court is of the view that the request of the petitioner can be honoured, however conditionally.

6. 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 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, Vemulawada Town Police Station, Rajanna-Sircilla District, 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

29.12.2022
DR