

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.11548 of 2022

ORDER:

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

2. Seeking the Court to enlarge the petitioner, who is arrayed as accused No.1 in Crime No.1800 of 2022 of Rajendranagar Police Station, Cyberabad Commissionerate, on bail, the present Criminal Petition is filed under Section 439 Cr.P.C.

3. Learned counsel for the petitioner submits that as per the version of the prosecution, the petitioner has committed offences punishable under Sections 376, 417, 420 and 506 IPC and indeed, the defacto complainant as well as the petitioner are working as Sub-Inspector of Police. Learned counsel states that the defacto complainant is not a kid who does not know the consequences and even if the contents of complaint are taken to be true, the defacto complainant had given consent for participating in sexual intercourse with the petitioner. Learned counsel also states that the defacto

complainant is a married woman having two kids and therefore, the petitioner proposing to marry her does not at all arise. Learned counsel also states that the petitioner is in judicial custody since more than 40 days and as the entire investigation is completed, he may be enlarged on bail.

4. The submission of the learned Additional Public Prosecutor is that nine witnesses were examined till now and the statement of the victim under Section 164 Cr.P.C. was also recorded. However, learned Additional Public Prosecutor states that investigation is not yet completed.

5. Taking into consideration the submission thus made, 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 No.1 shall be enlarged on bail on his executing a personal bond for Rs.50,000/- (Rupees Fifty 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, Rajendranagar Police Station, Cyberabad Commissionerate, 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

29.12.2022
DR