

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.443 of 2023

ORDER:

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

2. This Criminal Petition is filed under Section 439 Cr.P.C. seeking the Court to enlarge the petitioner, who is arrayed as accused in Crime No.1471 of 2022 of Narsingi Police Station, Cyberabad Commissionerate, on bail.

3. The facts of the case in brief, as could be perceived through the contents of the Remand Case Diary, are that the petitioner and the defacto complainant were working in the same company and thereby, got acquainted with each other. The petitioner proposed to marry the defacto complainant, who is a divorced woman having two children and thereby, they both maintained physical relationship and while the things stood thus, the defacto complainant came to know that the petitioner married twice earlier and that he blackmailed other girls also. The petitioner also took Rupees

Two lakhs from the defacto complainant for his personal needs.

4. Making his submission the learned counsel for the petitioner contends that the petitioner is in judicial custody since 44 days. Learned counsel states that the defacto complainant is not a kid to fall in the trap of the petitioner and indeed, she is a working and married woman having two children. Learned counsel also states that the defacto complainant is well aware of the fact that the petitioner is a married man, however, she started maintaining relationship with him. Learned counsel states that the petitioner was taken to police custody for two days and he was also examined and having regard to the length of period for which the petitioner is in judicial custody and police custody, he may be enlarged on bail.

5. The submission of the learned Additional Public Prosecutor is that 164 Cr.P.C. statement of the victim woman was recorded and further, twelve witnesses were examined till now.

6. Therefore, by the submissions thus made by both the parties, it is clear that the petitioner was taken to Police

custody and is in judicial custody since 44 days, and so far as the investigation is concerned, having examined twelve witnesses, the prosecuting agency has completed the material part of investigation.

7. Considering all these facts, this Court is of the view that the request of the petitioner can be honored however conditionally.

8. 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.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 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, Narsingi 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 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.

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

Dr. JUSTICE CHILLAKUR SUMALATHA

23.01.2023
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