

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.492 of 2023

ORDER:

1. Heard Sri S.Ram Reddy, learned counsel for the petitioner as well as the learned Additional Public Prosecutor who is representing the Respondent-State.

2. This Criminal Petition, under Section 439 Cr.P.C., is filed for grant of post-arrest bail in respect of the petitioner, who is arrayed as Accused in Crime No.898 of 2022 of Ramachandrapuram Police Station.

3. The facts of the case if narrated in a narrower compass as could be perceived through the contents of Remand Case Diary are that the *de facto* complainant, who is a Software Employee at Hyderabad, got acquainted with the petitioner herein and thereafter, the petitioner proposed to marry her. Both of them started staying together since August 2019 and continued till August 2021. During that time, the petitioner forcibly participated in the sexual intercourse with the *de facto* complainant and further took an amount of Rs.20,00,000/- from her. Subsequently, the petitioner got engaged with another lady and thereby cheated the *de facto* complainant.

4. Making his submission, learned counsel for the petitioner contends that the petitioner did not receive any amount from the *de facto* complainant whatsoever. Learned counsel states that the petitioner and the *de facto* complainant started living together and as disputes arose, they both started living separately. Learned counsel also submits that neither Section 376 IPC nor Section 420 IPC attracts to the case facts. Learned counsel also states that the petitioner is in judicial custody since forty three (43) days and as the entire investigation is also completed, he may be enlarged on bail.

5. The submission of the learned Additional Public Prosecutor is that investigation is still pending. However, the statement of the victim under Section 164 Cr.P.C. was recorded and thirteen (13) witnesses were examined till now.

6. In view of the submissions thus made by the contesting parties, it is clear that the material part of investigation is completed and further, the petitioner is in judicial custody since 43 days. Having perceived the

nature of the case, the stage of investigation and the length of judicial custody of the petitioner, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

7. Resultantly, the 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 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 petitioner/Accused shall report before the Station House Officer, Ramachandrapuram Police Station, on every Monday between 10.30 AM and 12.00 PM till filing of final report.
- (iii) The petitioner/Accused should not involve in any unlawful activity.

- (iv) The petitioner/Accused should afford all assistance for the 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) In case the petitioner/Accused holds a passport, he shall surrender the same if the same is not seized till now.
- (ix) The petitioner/Accused should ensure his presence whenever required by the Court or Police.
- (x) The petitioner/Accused shall not leave India without previous permission of the Court concerned.

(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.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date:25.01.2023

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