

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.650 of 2023

ORDER:

1. Heard Sri A.Srinath, learned counsel for the petitioner as well as the learned Additional Public Prosecutor who is representing the Respondent-State. Notice was also served upon the defacto complainant.
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.1888 of 2022 of L.B.Nagar Police Station, on bail.
3. Making his submission that the petitioner is entitled for bail, learned counsel for the petitioner contends that the petitioner fell in love with the alleged victim girl and both of them proposed to get married. However, she became pregnant and therefore, she gave complaint to police. Learned counsel states that the elders have arranged their marriage in the next month and further the investigation is also completed and therefore, the petitioner may be enlarged on bail. Learned counsel further submits that the wish of the victim girl and her mother also is that

the petitioner may be enlarged on bail so that they can go for marriage.

4. Learned Additional Public Prosecutor submits that on completion of investigation, charge sheet is laid.

5. As per the material available on record, the petitioner, who is a fruits vendor, fell in love with the victim girl who was pursuing her Hotel Management Course in Intermediate and taking advantage of her loneliness, he participated in the sexual intercourse with her several times and ultimately, she became pregnant. Though compromise between the parties is not a ground for entertaining the request of the accused for grant of bail, yet, having considered the fact that the petitioner is in judicial custody since more than two months and also the fact that the investigation is completed and charge sheet is laid, this Court is of the view that the request of the petitioner can be honoured.

6. 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 should not involve in any unlawful activity.
- (iii) The petitioner/Accused should afford all assistance for proper investigation of the case.
- (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) In case the petitioner/Accused holds a passport, he shall surrender the same if the same is not seized till now.
- (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 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.

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

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Date:07.02.2023

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