

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.775 of 2023

ORDER:

1. Heard Sri CH.Venkat Yadav, learned counsel for the petitioner as well as the learned Additional Public Prosecutor who is representing the Respondent-State. Despite of service of notice upon the *de facto* complainant, there is no representation on her side.

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.1590 of 2022 of Vanasthalipuram Police Station, on bail.

3. The facts of the case in brief as could be perceived through Part-I Case Diary are that the petitioner/Accused was working as Call Recovery Agent at IDFC Bank. He got into contact with the victim girl, who is a minor and informed the said girl that he fell in love with her and he promised to marry her. He started regularly meeting the victim girl. On knowing that, the parents of the victim girl reprimanded her. However, the petitioner/Accused participated in the sexual intercourse with her, thereafter, kidnapped her and married her.

4. Making his submission, learned counsel for the petitioner states that the petitioner neither committed the offence punishable under Section 376 IPC nor under the provisions of Protection of Children from Sexual Offences Act. Learned counsel submits that the petitioner and the alleged victim girl fell in love with each other and got married; but the parents of the victim girl who opposed the said marriage, gave a false complaint to police. Learned counsel also states that the petitioner is in judicial custody since '66' days and as the entire investigation is completed, he may be enlarged on bail.

5. The submission of the learned Additional Public Prosecutor is that the statement under Section 164 Cr.P.C. of the victim girl was recorded. Learned Additional Public Prosecutor also states that fifteen (15) witnesses were examined till now.

6. Thus, by the submissions made on both sides, it is clear that the petitioner is in judicial custody since more than two months and the material part of investigation is completed. Having considered these factors, 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, Vanasthalipuram Police Station on every Monday and Thursday between 10.30 A.M and 12.00 P.M 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:14.02.2023

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