

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.776 of 2023

ORDER:

Heard Sri Rapolu Bhaskar, learned counsel for the petitioner, as well as the learned Additional Public Prosecutor who is representing the respondent-State. Though notice is served upon the victim-girl and her mother, none represents.

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.1047 of 2022 of Neredmet Police Station, Rachakonda Commissionerate, on bail.

3. Making his submission, the learned counsel for the petitioner contends that the petitioner is in judicial custody since 70 days and as the entire investigation is completed, he may be enlarged on bail.

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

5. The matrix of the case, as could be perceived through the material available on record, is that the petitioner, who was residing in the same apartment where the victim girl was residing, developed acquaintance with her and captured her

photographs while she was washing clothes and thereafter, threatened that he would post those photos in the social media if she does not fulfill his sexual desire and thereby, assaulted her sexually and outraged her modesty.

6. The fact that the petitioner is in judicial custody since 70 days and that the entire investigation is completed is not disputed.

7. Having considered these facts, this Court is of the view that the request of the petitioner can be honoured.

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 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) The petitioner/accused should ensure his presence whenever required by the Court or Police.
- (viii) The petitioner/accused shall not leave India without previous permission of the court concerned.
- (ix) 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.

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

Dr. JUSTICE CHILLAKUR SUMALATHA

13.02.2023
dr