

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1040 2023

ORDER:

Heard Sri Sapavath Sreenivas, learned counsel for the petitioner, as well as the learned Additional Public Prosecutor who is representing the respondent-State. Notice is served upon the defacto complainant. However, none appears.

2. Seeking the Court to enlarge the petitioner, who is arrayed as accused in Crime No.760 of 2022 of Mallardevpally Police Station, Cyberabad, on bail, this Criminal Petition is filed under Section 439 Cr.P.C.

3. This is a case where the allegation that is levelled against the petitioner is that he kidnapped a girl aged about 13 years and assaulted her sexually.

4. Making his submission, learned counsel for the petitioner contends that the petitioner fell in love with the alleged girl and both decided to get married. However, as the said girl is a minor, they did not go for marriage and in the mean time, the parents of the alleged girl gave complaint to Police. Learned counsel further submits that the petitioner is

in judicial custody since 45 days and the entire investigation is also completed and therefore, he may be enlarged on bail.

5. Per contra, the submission of the learned Additional Public Prosecutor is that the petitioner outraged the modesty of the victim girl. Learned Additional Public Prosecutor also states that 164 Cr.P.C. statement of the victim girl was recorded. Learned Additional Public Prosecutor states that 15 material witnesses were examined till now.

6. Having considered the submissions thus made by both sides, it is clear that the petitioner is in judicial custody since 45 days and the material part of investigation is completed. Therefore, this Court is of the view that the request of the petitioner can be honoured, however conditionally.

7. 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, Mallardevpally Police Station, Cyberabad, 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.

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

Dr. JUSTICE CHILLAKUR SUMALATHA

08.02.2023

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