

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1465 of 2023

ORDER:

Heard Sri K.Ramakotaiah, learned counsel, representing Sri K.Sharath, learned counsel on record for the petitioner, as well as the learned Additional Public Prosecutor who is representing respondent No.1-State. Despite of service of notice, none appears for respondent No.2.

2. Claiming bail, the present Criminal Petition is filed under Section 439 Cr.P.C. on behalf of the petitioner, who is arrayed as accused in Crime No.198 of 2022 of Wanaparthy Town Police Station, Wanaparthy District.

3. Stating that the petitioner is innocent, the learned counsel for the petitioner contends that the petitioner was preparing for examinations to be conducted for selection of Constables and the victim girl was also studying for competitive examinations and in that course, they both developed friendship, but the petitioner did not commit any offence.

4. Per contra, the learned Additional Public Prosecutor contends that the petitioner outraged the modesty of the

alleged victim girl by commencing chatting over cell phone. Learned Additional Public Prosecutor states that on completion of investigation, the charge sheet is laid.

5. It is not in dispute that the petitioner is in judicial custody since more than two months. Having considered the fact of completion of investigation and filing of charge sheet and also taking into consideration the submission of the learned counsel for the petitioner that the petitioner, who is aged about 19 years, would have no future in case he is kept in judicial custody for a longer period, this Court considers it desirable to honour the request of the petitioner, however conditionally.

6. 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. 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

02.3.2023

dr