

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1979 of 2023

ORDER:

Seeking pre-arrest bail, the present Criminal Petition is filed under Section 438 Cr.P.C. on behalf of the petitioner, who is arrayed as accused No.2 in Crime No.138 of 2022 of Dummugudem Police Station, B.Kothagudem District.

2. Heard Sri M.Murali Krishna, learned counsel, who argued on behalf of Sri M.M.M.Srinivasa Rao, learned counsel on record for the petitioner, as well as learned Additional Public Prosecutor who is representing the respondent-State. Proof of service of notice upon the defacto complainant is on record. However, none appears.

3. The case facts in brief, as could be perceived through the contents of Part-I Case Diary, are that the victim girl is the daughter of the defacto complainant. She studied upto 9th class and subsequently, stopped her studies. The petitioner-accused No.2 and accused No.3, who are the friends of the victim girl, abetted her to go along with accused No.1 and therefore, she, without knowing the consequences, accompanied accused No.1. Accused No.1 took her to

Bhadrachalam and from there to Sadarsha Village and there, both stayed for some time and during that stay, he outraged her modesty.

4. Contending that the petitioner is not involved in any such acts, learned counsel for the petitioner submits that even as per the version of the prosecution, the petitioner, who is a friend of the victim girl, abetted the victim girl to accompany accused No.1 and that does not mean that she committed any offence. Learned counsel also states that the petitioner has got small children to look after and as the entire investigation is also completed, pre-arrest bail may be granted.

5. The submission of the learned Additional Public Prosecutor, on the other hand, is that the petitioner without advising the victim girl not to leave her parents, abetted her to accompany accused No.1 and thereby, committed offences punishable under different provisions of law. Learned Additional Public Prosecutor also states that eighteen (18) witnesses were examined till now and the statement of the victim girl was also recorded under Section 164 Cr.P.C.

6. Thus, by the said submission, it is clear that the material part of investigation is completed.

7. Having considered the submissions made by both sides, this Court is of the view that the request of the petitioner can be honoured, however conditionally.

8. Resultantly, this Criminal Petition is allowed with the following conditions:-

(i) The petitioner/accused No.2 is directed to surrender before the Court concerned within ten (10) days. On such surrender, she shall be enlarged on bail on her executing a personal bond for Rs.30,000/- (Rupees Thirty 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 No.2 holds a passport, she is directed to surrender the same.

(iii) The petitioner/accused No.2 should not involve in any unlawful activity.

(iv) The petitioner/accused No.2 should afford all assistance for proper investigation of the case.

(v) The petitioner/accused No.2 should not cause the evidence of the offence disappear.

(vi) The petitioner/accused No.2 should not tamper with the evidence in any manner.

(vii) The petitioner/accused No.2 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 No.2 should ensure her presence whenever required by the Court or Police.

(ix) The petitioner/accused No.2 shall not leave India without previous permission of the court concerned.

(x) The petitioner/accused No.2 shall report before the Station House Officer, Dummugudem Police Station, B.Kothagudem District, on every

Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) The petitioner/accused No.2 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. She 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

14.3.2023
DR