

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2254 of 2023

ORDER:

Heard Sri V.Ramesh Babu, learned counsel for the petitioner, learned Additional Public Prosecutor who is representing respondent No.1-State and Sri Thota Venkatesham, learned counsel who is representing respondent No.2-defacto complainant.

2. This Criminal Petition is filed under Section 438 Cr.P.C. seeking the Court to grant pre-arrest bail in favour of the petitioner who is arrayed as accused in Crime No.167 of 2022 of Osmania University Police Station, Hyderabad.

3. Submitting that the petitioner, who is a Professor by occupation, has not committed any offences whatsoever, learned counsel for the petitioner states that respondent No.2-defacto complainant foisted a false case against the petitioner, basing on which a case was registered against the petitioner that he committed the offences punishable under Sections 417, 420, 376 and 313 IPC. Learned counsel states that after giving such a complaint, respondent No.2-defacto complainant herself addressed a letter to the Vice Chancellor,

Osmania University, Hyderabad, stating that the petitioner is humble, down to earth, goal oriented and easily available Professor of campus and she proposed to marry him, but the petitioner denied the said proposal and left to United States of America and as she began missing his presence, she became hopeless, panic and overly imagined and finally, lodged complaint without knowing the practical repercussions. Learned counsel also states that the petitioner filed a Criminal Petition before this Court for quash of the proceedings and the said Criminal Petition is pending. Learned counsel further states that in the said quash petition, respondent No.2-defacto complainant filed her counter and in the said counter also, she clearly stated that she has no objection to quash the proceedings that are pending against the petitioner. Learned counsel also states that the petitioner, who is now at United States of America, intends to return back to India, but having regard to the presence of the criminal case against him, he apprehends arrest and therefore, anticipatory bail may be granted.

4. The submission of the learned counsel appearing for respondent No.2-defacto complainant is that the defacto complainant has no objection to grant anticipatory bail.

5. Learned Additional Public Prosecutor states that on completion of investigation, charge sheet was also laid.

6. Having heard the respective parties to the proceedings, more particularly, the submission made by the learned counsel appearing for respondent No.2- defacto complainant and on perusing the relevant material including the letter addressed by respondent No.2-defacto complainant to the Vice Chancellor, Osmania University, Hyderabad, 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 is directed to surrender before the Court concerned within two (2) months. On such surrender, he 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) The petitioner/accused is directed to surrender his passport.

(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

16.3.2023
dr