

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2350 of 2023

ORDER:

1. Heard Sri P.Ravi Kiran, learned counsel for the petitioner as well as the learned Additional Public Prosecutor who is representing Respondent-State.

2. 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.1 in Crime No.30 of 2023 of Kesamudram Police Station, Mahabubabad District.

3. The facts of the case in brief as could be perceived through the contents of the complaint are that the husband of the defacto complainant died five years back. Thereafter, the brother-in-law of the defacto complainant i.e., the petitioner herein, took signatures of the defacto complainant on some papers in respect of sale of land. Later, when the defacto complainant tried to sell three guntas of land to one Linga Murthy, she came to know about the General Power of Attorney that was executed by her and on that, she approached her brother-in-law and

questioned him. Later i.e., on 06.10.2021, her brother-in-law came to her house, outraged her modesty and further threatened to kill her children. He continued to assault the defacto complainant sexually. He took signatures of the defacto complainant. Later, he started demanding to transfer ten guntas of land and the house on his name.

4. Stating that all the allegations levelled are false, learned counsel for the petitioner submits that due to prevalence of civil disputes regarding the landed property, the defacto complainant foisted a false case against the petitioner. Learned counsel also submits that the petitioner is a Teacher by profession and a Government Employee. Learned counsel also submits that the defacto complainant, taking advantage of her gender, foisted a false case against the petitioner to settle civil scores. Learned counsel also submits that when the defacto complainant started raising disputes, the wife of the petitioner gave complaint to police. Learned counsel also contended that the petitioner, being a Government Employee, will lose his job in case he is arrested and remanded to judicial custody and ultimately seeks to grant anticipatory bail.

5. The submission of the learned Additional Public Prosecutor is that though the contents of the complaint reveals prevalence of civil disputes, yet, they also disclose that the petitioner outraged the modesty of the defacto complainant.

6. In reply to the said submission, learned counsel for the petitioner states that even as per the contents of the complaint, the incident occurred in the year 2021 and no complaint is lodged till now.

7. Gone through the contents of the material available on record. As regards to stage of investigation, learned Additional Public Prosecutor contended that three material witnesses were examined till now.

8. Taking into consideration the fact that *prima facie* material regarding pendency of civil disputes between the parties is perceived and also considering the submission of the learned counsel for the petitioner narrating the grounds for the relief sought for, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

9. In the result, the Criminal Petition is allowed with the following conditions:

- (i) The petitioner/Accused No.1 is directed to surrender before the concerned Court within ten (10) days. 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 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 No.1 shall report before the Station House Officer, Kesamudarm Police Station, Mahabubabad District, on every Sunday between 10.30 A.M. and 12:00 P.M. till filing of final report.
- (iii) The petitioner/Accused No.1 should not involve in any unlawful activity.
- (iv) The petitioner/Accused No.1 should afford all assistance for the proper investigation of the case.

- (v) The petitioner/Accused No.1 should not cause the evidence of the offence disappear.
- (vi) The petitioner/Accused No.1 should not tamper with the evidence in any manner.
- (vii) The petitioner/Accused No.1 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) In case the petitioner/Accused No.1 holds a passport, he shall surrender the same.
- (ix) The petitioner/Accused No.1 should ensure his presence whenever required by the Court or Police.
- (x) The petitioner/Accused No.1 shall not leave India without previous permission of the Court concerned.
- (xi) The petitioner/Accused No.1 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 of 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 pre-arrest bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date:23.03.2023

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