

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2413 of 2023

ORDER:

Heard Sri V.Durga Nageshwar Rao, learned counsel for the petitioner, as well as the learned Additional Public Prosecutor who is representing the respondent-State.

2. Seeking post arrest bail, the present Criminal Petition is filed under Section 439 Cr.P.C., on behalf of the petitioner, who is arrayed as accused No.1 in Crime No.3 of 2023 of Amrabad Police Station, Nagarkurnool District.

3. The facts of the case in nut-shell, as could be perceived through the contents of the charge sheet, are that the petitioner used to follow the defacto complainant while she was studying IXth standard stating that he fell in love with her. Later, the petitioner informed the victim girl that he would commit suicide if she will not love him. Thereafter, both became close and the petitioner participated in sexual intercourse with the victim girl. But, the petitioner failed to marry the victim girl. On that, the victim girl tried to commit suicide. Then, the petitioner and the victim girl got married by exchange of garlands. However, subsequently, the

petitioner informed the victim girl that he did not really marry her and it is a fake marriage. He further threatened to kill her and her parents.

4. Contending that the petitioner did not commit any offence whatsoever, learned counsel for the petitioner states that the petitioner was arrested on 12.01.2023 and was remanded to judicial custody and since 103 days he is in judicial custody and as the entire investigation is completed, he may be enlarged on bail.

5. The submission of the learned Additional Public Prosecutor, on the other hand, is that on completion of investigation, charge sheet is laid.

6. The requirement of keeping the petitioner in judicial custody for further period is not indicated anywhere.

7. Having considered the facts of the case, the fact of completion of investigation and as this Court does not find any grounds to extend the judicial custody of the petitioner, this Court considers it desirable to enlarge him on bail as prayed for.

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

- (i) The petitioner/accused No.1 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 No.1 holds a passport, he is directed to surrender the same, if it is not seized by now.
- (iii) The petitioner/accused No.1 should not involve in any unlawful activity.
- (iv) The petitioner/accused No.1 should not cause the evidence of the offence disappear.
- (v) The petitioner/accused No.1 should not tamper with the evidence in any manner.
- (vi) 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.

(vii) The petitioner/accused No.1 should ensure his presence whenever required by the Court or Police.

(viii) The petitioner/accused No.1 shall not leave India without previous permission of the court concerned.

(ix) 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 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

17.4.2023
dr