

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2419 of 2023

ORDER:

Heard Sri L.Harish, learned counsel for the petitioner, as well as the learned Additional Public Prosecutor who is representing the respondent-State. Proof of service with regard to the notice issued to the defacto complainant is on record. None appears representing the defacto complainant.

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 in Crime No.46 of 2023 of Saroornagar Police Station, Rachakonda Commissionerate.

3. Stating that the earlier application for grant of bail was dismissed by this Court through order dated 01.3.2023 in Criminal Petition No.1589 of 2023 and that the petitioner is in judicial custody since 21.01.2023 and as the entire investigation is completed, he may be enlarged on bail, learned counsel for the petitioner states that the request of the petitioner may be considered.

4. Learned Additional Public Prosecutor submits that on completion of investigation, charge sheet is laid.

5. As per the version of the prosecution, the petitioner got acquainted with the victim girl through instagram, informed that he fell in love with her and behaved in an indecent manner with her. He also made her to bring gold ornaments from her house. He took those gold ornaments and finally, when the victim girl got scared and asked the petitioner to return the gold, he took her to Vizag stating that in case, she leaves the house, her parents will not ask her anything. They stayed there for three days.

6. By the submission of the learned Additional Public Prosecutor, it is clear that the investigation is completed and charge sheet is also laid. The fact that the petitioner is in judicial custody since two months is not in dispute.

7. Having considered these facts, 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 shall be enlarged on bail on his executing a personal bond for Rs.75,000/- (Rupees Seventy Five 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.

Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

21.3.2023
dr