

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2502 of 2023

ORDER:

Heard Sri A.Prabhakar Rao, learned counsel for the petitioner, as well as learned Additional Public Prosecutor who is representing the 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 in Crime No.48 of 2023 of Kamlapur Station, Warangal District.

3. The matrix of the case, as could be perceived through the contents of the complaint, is that the petitioner was harassing the defacto complainant, who is working under him, to satisfy his sexual lust.

4. Stating that the petitioner has not committed any acts attracting any of the provisions of law that are indicated in the F.I.R., learned counsel for the petitioner submits that even as per the contents of the F.I.R., the petitioner has committed offences punishable with imprisonment of less than seven years. Learned counsel states that yet, Police are

trying to arrest the petitioner and therefore, protection may be issued in that regard.

5. The submission of the learned Additional Public Prosecutor is that a notice was intended to be served upon the petitioner under Section 41-A Cr.P.C., but the petitioner evaded to take such notice.

6. There is no denial that the offences alleged to have been committed by the petitioner are punishable with imprisonment less than seven years. Also, as per the submission of the learned Additional Public Prosecutor, an attempt was made to serve notice upon the petitioner under Section 41-A Cr.P.C.

7. Having considered the aforesaid 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 is directed to surrender before the Court concerned within ten (10) days. On such surrender, he shall be enlarged on bail on his 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 holds a passport, he is directed to surrender the same.

(iii) The petitioner/accused should not involve in any unlawful activity.

(iv) The petitioner/accused should afford all assistance for proper investigation of the case.

(v) The petitioner/accused should not cause the evidence of the offence disappear.

(vi) The petitioner/accused should not tamper with the evidence in any manner.

(vii) 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.

(viii) The petitioner/accused should ensure his presence whenever required by the Court or Police.

(ix) The petitioner/accused shall not leave India without previous permission of the court concerned.

(x) The petitioner/accused shall report before the Station House Officer, Kamlapur Station, Warangal District, on every Sunday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(xi) 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

.2023
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