

***HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA***

***CRIMINAL PETITION No.2579 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.96 of 2023 of Hanamkonda Station, Warangal District.

3. The facts of the case in brief, as could be perceived through the contents of the complaint, are that the defacto complainant along with her brother and workers went to a temple on the eve of Sivarathri festival. At about 3.00 am., she received phone calls from unknown persons, but she did not lift the phone. Thereafter, she received phone call from her husband's phone and upon lifting the phone, the petitioner, who received the phone call, asked her to come home immediately. On that, she returned to her house. While entering into the house, one person stopped her and she replied that that house belongs to her. While entering into the

house, the petitioner approached her and enquired her as “Darling, where did you go” and thereafter, he behaved indecently with her.

4. Making his submission, learned counsel for the petitioner states that the entire story is false and it cannot be believed that the husband of the defacto complainant had lent his phone to the petitioner to call to his wife. Learned counsel states that the petitioner behaving indecently with the defacto complainant, that too, in the presence of her husband, her brother and others cannot be believed and entire story narrated in the complaint is false. Learned counsel also submits that all the offences alleged to have been committed by the petitioner i.e., the offences falling within the ambit of Sections 452, 354 and 506 IPC are punishable with imprisonment less than seven years and therefore, anticipatory bail may be granted.

5. Learned Additional Public Prosecutor states that the case is still under investigation and three witnesses were examined till now.

6. Having considered the submissions thus made and taking into consideration the narration of events in the

complaint, 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 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 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, Hanumakonda Station, Warangal District, on every Sunday and Thursday 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.

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**Dr. JUSTICE CHILLAKUR SUMALATHA**

17.4.2023  
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