

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2676 of 2023

ORDER:

Heard Sri K.Srinivasa, learned counsel for the petitioner, as well as learned Additional Public Prosecutor who is representing the respondents-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.40 of 2022 of Venkatapuram Police Station, Mulugu District.

3. The crux of the case, as could be perceived through the contents of the material available on record, is that the defacto complainant, who is the husband of one Saraswathi, gave complaint to Police stating that his wife left the house along with their son to go to bank and did not return. Subsequently, the said woman voluntarily returned, gave statement to the effect that the petitioner is a friend of her husband and they developed friendship and on the guise of taking advice from her, the petitioner took her and her son to different places and thereafter, she returned back.

4. Claiming bail, learned counsel for the petitioner states that as per the version of the prosecution, the alleged victim woman voluntarily accompanied the petitioner and she travelled along with the petitioner for about 200 kms. Learned counsel states that at no point of time, she raised cries or she informed to anyone that she was kidnapped. Learned counsel further submits that as per the statement of the alleged victim woman, herself and the petitioner lived at Lankapalle Village from 16.5.2022 to 05.9.2022 i.e., for about four months, and even during that time, she did not complain. Learned counsel finally states that all these grounds reveal absence of any *mala fide* intention on part of the petitioner and the consent on part of the alleged victim woman to accompany the petitioner and therefore, none of the provisions of law attracts to the case facts and thus, anticipatory bail may be granted. Learned counsel also contends that the earlier application was dismissed as the statement of the alleged victim woman was not recorded under Section 164 Cr.P.C. and as the same is recorded, anticipatory bail may be granted.

5. The submission of the learned Additional Public Prosecutor is that five (5) witnesses were examined till now, but the case is still under investigation.

6. Having gone through the contents of the complaint and the statement of the alleged victim woman and considering the submissions made by the learned counsel for the petitioner and having perceived the fact that the statements of the material witnesses were also recorded, this Court considers it desirable to honour the request of the petitioner, 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, Venkatapuram Police Station, Mulugu 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.

Dr. JUSTICE CHILLAKUR SUMALATHA

23.3.2023
DR