

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2794 of 2023

ORDER:

Heard Sri Chatla Madhu, 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 No.1 in Crime No.76 of 2023 of Women Police Station, Warangal.

3. Stating that the petitioner is suffering from leprosy and Police are trying to arrest him, learned counsel for the petitioner seeks for anticipatory bail. Learned counsel states that the petitioner has not committed any offences whatsoever.

4. The submission of the learned Additional Public Prosecutor, on the other hand, is that the petitioner is tested HIV +ve and suppressing his health condition, he married the defacto complainant.

5. As per the contents of the complaint, the husband of the defacto complainant died and thereafter, a proposal came

to the defacto complainant with regard to the alliance of the petitioner. The defacto complainant agreed to marry the petitioner and accordingly, the marriage was performed. However, twenty (20) days after the date of marriage, the defacto complainant came to know that the petitioner is HIV+ve. On questioning about the said fact, the petitioner abused, beat and threatened the defacto complainant.

6. As per the submission of the learned Additional Public Prosecutor, five (5) witnesses were examined till now.

7. Thus, taking into consideration the nature of the case and the fact of completion of the material part of investigation, 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 No.1 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 No.1 holds a passport, he is directed to surrender the same.

(iii) The petitioner/accused No.1 should not involve in any unlawful activity.

(iv) The petitioner/accused No.1 should afford all assistance for proper investigation of the case.

(v) The petitioner/accused No.1 should not cause the evidence of the offence disappear.

(vi) The petitioner/accused No.1 should not tamper with the evidence in any manner.

(vii) 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.

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

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

(x) The petitioner/accused No.1 shall report before the Station House Officer, Women Police Station, Warangal, 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 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

24.3.2023
DR