

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2863 of 2023

ORDER:

1. Heard Sri Y.Bala Murali, learned counsel for the petitioner as well as the learned Additional Public Prosecutor who is representing the Respondent-State.
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.43 of 2023 of Kothagudem III Town Police Station, Bhadrachalam District.
3. The facts of the case in brief as could be perceived through the contents of the complaint are that the petitioner got acquainted with the defacto complainant in the year 2018 and he informed the defacto complainant that he fell in love with her. He promised to marry the defacto complainant. Thereafter, both of them participated in the sexual intercourse. Subsequently, the petitioner refused to marry and when questioned, threatened to kill the defacto complainant.

4. Making his submission, learned counsel for the petitioner contends that the petitioner, on knowing about the registration of the case, voluntarily surrendered before the concerned Police and was remanded to judicial custody on 05.03.2023 and the contents of Remand Report discloses the same. Learned counsel also states that the petitioner has not committed any offences falling within the ambit of Sections 376, 417 & 506 IPC. Learned counsel ultimately seeks to enlarge the petitioner on bail.

5. Learned Additional Public Prosecutor contends that the case is still under investigation. However, thirteen (13) witnesses were examined till now.

6. Gone through the contents of the material available on record.

7. Having perceived the nature of the case and the fact of completion of material part of investigation, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

8. Resultantly, the 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.30,000/- (Rupees Thirty Thousand only) with two sureties for 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) The petitioner/Accused shall report before the Station House Officer, Kothagudem III Town Police Station, Bhadradi Kothagudem District, on every Monday between 10.30 A.M and 12.00 P.M till filing of final report.
- (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) In case the petitioner/Accused holds a passport, he shall surrender the same if the same is not seized till now.
- (ix) The petitioner/Accused should ensure his presence whenever required by the Court or Police.
- (x) The petitioner/Accused shall not leave India without previous permission of the Court concerned.
- (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

Date:27.03.2023

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