

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3117 of 2023

ORDER:

1. Heard Sri Rudresh Deshpande, learned counsel for the petitioner as well as the learned Additional Public Prosecutor who is representing the Respondent-State.
2. Seeking the Court to enlarge the petitioner, who is arrayed as Accused in Crime No.13 of 2023 of Ghanpur (W) Police Station, Warangal District, on bail, the present Criminal Petition is filed under Section 439 Cr.P.C.
3. Learned counsel for the petitioner states that initially, a case was registered against the petitioner alleging that he committed offences punishable under Sections 417 & 420 IPC, but subsequently, Section 376(2)(n) IPC was added. Learned counsel also states that the petitioner has not committed any offence. Learned counsel further submits that the petitioner was arrested on 21.02.2023 and thus, he is in judicial custody since more than a month.
4. The submission of the learned Additional Public Prosecutor, on the other hand, is that the petitioner promised to marry the defacto complainant, but subsequently,

breached the said promise. Learned Additional Public Prosecutor states that ten (10) witnesses were examined till now.

5. As per the version of the prosecution, the defacto complainant lost her husband and was eking her livelihood by doing a private job. The petitioner expressed his intention to marry the victim girl by stating that he fell in love with her and participated in the sexual intercourse. However, subsequently, he denied to marry her.

6. Having considered the case facts, however, without expressing any opinion with regard to the applicability of Section 376(2)(n) IPC to the facts of the case, as the material part of investigation is completed, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

7. 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.50,000/- (Rupees Fifty 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, Ghanpur (W) Police Station, Warangal 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 hold 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 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 fresh affidavits duly mentioning the change. He shall continue to do so till filing of 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:31.03.2023

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