

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3420 of 2023

ORDER:

1. Heard Sri Srinath Reddy, learned counsel who argued on behalf of Sri Nageshwar Rao Pujari, learned counsel on record 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.272 of 2023 of S.R.Nagar Police Station, Hyderabad, on bail, the present Criminal Petition is filed under Section 439 Cr.P.C.
3. Making his submission that the petitioner is innocent, learned counsel for the petitioner submits that the petitioner was arrested on 17.03.2023 and since then, he is in judicial custody. Learned counsel also states that the entire investigation is completed and therefore, the petitioner may be enlarged on bail.
4. The submission of the learned Additional Public Prosecutor is that on completion of investigation, charge sheet is laid.

5. The matrix of the case as could be perceived through the contents of the charge sheet is that the petitioner was introduced to the *de facto* complainant, who is aged about 22 years and was searching for job, through one mutual friend. They fell in love with each other. The petitioner promised to marry her. They participated in the sexual intercourse. However, finally, the petitioner rejected to marry the *de facto* complainant and got ready to marry another girl.

6. The submission of the learned counsel for the petitioner is that Section 376 IPC does not attract to the case facts and equally Sections 417 and 420 IPC.

7. The submission of the learned Additional Public Prosecutor is only that the investigation is completed and charge sheet is laid.

8. Having considered the fact that the *de facto* complainant i.e., the alleged victim, is a woman who attained the age of majority and the fact that the entire investigation is also completed, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

9. 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 should not involve in any unlawful activity.
- (iii) The petitioner/Accused should not cause the evidence of the offence disappear.
- (iv) The petitioner/Accused should not tamper with the evidence in any manner.
- (v) 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.

- (vi) In case the petitioner/Accused holds a passport, he shall surrender the same if the same is not seized till now.
- (vii) The petitioner/Accused should ensure his presence whenever required by the Court or Police.
- (viii) The petitioner/Accused shall not leave India without previous permission of the court concerned.
- (ix) 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.

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:13.04.2023

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