

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3438 of 2023

ORDER:

1. Heard Sri M.Rathan Singh, learned counsel for the petitioner as well as the learned Additional Public Prosecutor who is representing the Respondent-State.

2. This Criminal Petition is filed under Section 439 Cr.P.C. seeking the Court to enlarge the petitioner, who is arrayed as Accused in Crime No.311 of 2023 of Kushaiguda Police Station, on bail.

3. Stating that the petitioner is innocent, learned counsel for the petitioner submits that the petitioner has not committed any offences much less the offences falling within the ambit of Sections 376(2)(n), 417, 420 & 493 IPC. Learned counsel also states that the petitioner was arrested on 11.03.2023 and since then, he is in judicial custody and as the entire investigation is completed, he may be enlarged on bail.

4. The submission of the learned Additional Public Prosecutor, on the other hand, is that the case is still

under investigation and nine (9) witnesses were examined till now.

5. The facts of the case in brief as could be perceived through the contents of the complaint are that the *de facto* complainant came into contact with the petitioner through Facebook. The *de facto* complainant, believing the words of the petitioner, fell in love with him. Believing the words of the petitioner, she participated in the sexual intercourse with him number of times. However, the petitioner finally informed the *de facto* complainant that his marriage is fixed. Thereafter, he blocked her number.

6. As per the submission of the learned Additional Public Prosecutor, material part of investigation is completed. By the submission of the learned counsel for the petitioner, it is clear that the petitioner is in judicial custody since more than a month.

7. Having considered the nature of the case and the submissions made, 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.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, Kushaiguda Police Station, on every Sunday and Thursday 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 the 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:13.04.2023

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