

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.3544 of 2023

ORDER:

Heard Sri S.Bhaskar, learned counsel, who argued on behalf of Sri S.Vinay Shankar, learned counsel on record 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.22 of 2023 of Ghattu Police Station, Jogulamba-Gadwal District, on bail.

3. Making his submission that the petitioner is innocent, learned counsel for the petitioner states that the petitioner has not committed any offence whatsoever falling within the ambit of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Learned counsel also states that the petitioner was arrested on 25.02.2023 and remanded to judicial custody and since then, he is in judicial custody and therefore, he may be enlarged on bail.

4. The submission of the learned Additional Public Prosecutor is that the statement of the victim under Section

164 Cr.P.C. was recorded and five witnesses were examined till now. However, the investigation is still pending.

5. The matrix of the case, as per the contents of the complaint, is that the petitioner promised to marry the defacto complainant and basing on his promise, they participated in sexual intercourse. The defacto complainant became pregnant, but the petitioner denied to marry her stating that she belongs to a different caste.

6. Having considered the submissions made, the nature of the allegations levelled against the petitioner, that the petitioner is in judicial custody since two months and that 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, this 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 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 holds a passport, he is directed to surrender the same, if it is not seized by now.

(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) The petitioner/accused should ensure his presence whenever required by the Court or Police.

(ix) The petitioner/accused shall not leave India without previous permission of the court concerned.

(x) The petitioner/accused shall report before the Station House Officer, Ghattu Police Station, Jogulamba-Gadwal District, on every Monday between 10.30 a.m. and 12.00 p.m. till filing of the final report.

(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

26.4.2023

dr