

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.4100 of 2023

ORDER:

1. Heard Sri M.Adam, learned counsel who argued on behalf of Sri G.Ramesh Babu, 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.80 of 2023 of Musheerabad Police Station, on bail, the present Criminal Petition is filed under Section 439 Cr.P.C.
3. The case facts as could be perceived through the contents of charge sheet are that the petitioner, who is working as Postal Assistant in Postal Department, developed intimacy with the victim girl and both of them participated in the sexual intercourse. Though the victim girl became pregnant twice, the pregnancy was got aborted by the petitioner giving some tablets. Finally, when the victim girl insisted for marriage, the petitioner refused.
4. Learned counsel for the petitioner states that the alleged victim girl is not a minor. Learned counsel also states that

the victim girl intended to marry the petitioner, but when the marriage of the petitioner was settled with another girl, she started giving false complaints to Police. Learned counsel further submits that earlier, the defacto complainant gave a false complaint against the parents of the petitioner. Learned counsel also states that the petitioner is in judicial custody since 18.02.2023 and as the entire investigation is completed and charge sheet is also laid, he may be enlarged on bail.

5. Learned Additional Public Prosecutor submits that on completion of investigation, charge sheet is laid.

6. Having considered the submissions thus made and taking into consideration the nature of the case and also the fact of completion of investigation, 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 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:27.04.2023
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