

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR
CRIMINAL PETITION No.12484 of 2014

ORDER:

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The petitioner who is the sole accused, filed the present application under Section 438 of the Code of the Criminal Procedure (Cr.P.C.), seeking release in the event of his arrest in connection with Crime No.169 of 2011 of Chennur Police Station, Adilabad District, registered against the petitioner and others for the offences punishable under Sections 417, 376 of I.P.C. and Section 3(1)(x)(xii) of SC/ST (PoA) Act.

The case of the prosecution is that one Gomas Praneetha, lodged a report stating that while she was studying Engineering B.Tech in Meena College, Miryalaguda, one Attem Laxminarayana made a wrong call to the informant initially and therefrom he continued to talk with the informant and insisted to have friendship. In the year 2009, by knowing about the journey of the informant to Hyderabad, the accused joined her and both of them reached Hyderabad in the same bus from Godavarikhani. That was the first instance where both of them talked to each other face to face. It is alleged that the petitioner took her to his friends' room to refresh and introduced to his friends as his lover, for which she objected and left the room. It is stated that he used to call the informant on phone and tell her that he is in love with her. It is further alleged that on 10.04.2009, the petitioner called the informant to Hyderabad on the pretext of his birthday and took her to his friends' room and enjoyed her with a promise to marry her. Subsequently also he called the informant number of times and enjoyed her sexually. On 28.04.2009, he again called the informant and enjoyed her in his friends' room. At that time, the Principal of the College of the informant is alleged to have informed her parents about her absence in the college. When the parents called the informant, she is alleged to have informed her parents about the relationship between the petitioner and the informant. Even the petitioner assured her parents over phone that he will marry the informant. Subsequently, on 05.10.2011, when the petitioner refused to marry, the informant went to the house of the petitioner and asked about the marriage, for which, the petitioner is alleged to have abused her in filthy language and also in the name of her caste. Basing on these allegations, the above case came to be registered.

Heard learned counsel for the petitioner and the learned public prosecutor appearing for the respondent-State.

A perusal of the material placed before the Court would indicate that earlier, the

petitioner filed Crl.P.No.12000 of 2011 seeking quashing of investigation. By an order dated 25.11.2011, this Court granted interim stay of investigation. Subsequently, on 22.08.2014, a learned Single Judge, keeping in view the principle enunciated by the Apex Court in ***Arnesh Kumar Vs. State of Bihar and another*** case, directed the police not to arrest the petitioner/A1 till the completion of the investigation or filing of the report without following the procedure contemplated under Section 41 A of Cr.P.C.

Learned Public Prosecutor, on instructions, submits that the investigation is still pending.

In view of the orders passed by this Court in Crl.P.No.12000 of 2011, the question of granting anticipatory bail to the petitioner does not arise at this stage. This Court has already directed the police to follow the judgment in ***Arnesh Kumar Vs. State of Bihar and another*** case and not to arrest the petitioner till completion of the investigation without following the procedure contemplated under Section 41 A Cr.P.C.

In view of the above direction, no further orders need to be passed in the present petition and the same is accordingly rejected.

As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE C. PRAVEEN KUMAR

28.10.2014
vhb