**HON'BLE SRI JUSTICE C. PRAVEEN KUMAR**

**CRIMINAL PETITION No.95 of 2015**

**ORDER:**

The petitioner, who is the sole accused in Crime No.524 of 2014 of Chaitanyapuri Police Station, filed the present application under Sections 437 and 439 Cr.P.C. seeking enlargement on bail in the above crime, registered for the offences punishable under Sections 376, 354, 342 and 506 IPC and Section 66 (A) of the Information Technology Act, 2000.

The case of the prosecution is that the informant was working in HDFC Bank, Ameerpet, since last eight months and was staying in a hostel. The petitioner herein who was the Managing Director of Sri Charan Solutions, Chaitanyapuri, got acquainted with the informant and in the process of getting employment took her to Bangalore for interview in Infosys. After attending to the interview they came back to Hyderabad. On 23.10.2014 the petitioner is alleged to have made a call to the informant asking her to come to him for collecting the appointment order issued by Infosys. He further informed to her that after taking out a copy of the order in his office, both of them shall go to temple. Believing the same, the informant went to the office of the petitioner on his bike. After entering the office, the petitioner is alleged to have bolted the door from inside, threatened her with dire consequences and forced her to satisfy his desire. He misbehaved with the informant and exploited her sexually under fear of threat. She was threatened stating that the incident is captured in CC camera and if she does not hear to his words, he will send messages about the picture through you-tube, face book

etc.. Basing on these allegations the above case came to be registered.

Heard learned counsel for the petitioner and learned Public Prosecutor appearing for the respondent-State.

Learned counsel for the petitioner submits that even accepting the allegations in the report to be true, no offence is made out as the informant on her own went to the office of the petitioner on his motor cycle. Since the petitioner is in jail since last 68 days, he seeks bail.

Learned Public Prosecutor opposed the application contending that so far only two witnesses were examined and if the petitioner is released on bail, there is every likelihood of he tampering with the evidence at this stage. He placed on record the statements of LWs.1 and 2 recorded by the police during the course of investigation.

A perusal of the statement of the victim discloses that she was not only lured in to the office of the petitioner on 23.10.2014 but also reveal sending of the photograph captured by the CC camera to the cell phone of the informant followed by a message. The averments in the report also discloses about the petitioner was threatening to send the photos to the friends and relatives, if she discloses about the incident to others. Learned counsel for the petitioner submits that there was abnormal delay in lodging the report, but that by itself cannot be a fatal to the prosecution in a case of this nature. In fact, the Apex Court on more than one occasion has held that the effect of delay in the prosecution case can only be decided during trial. It is true that the informant on her

own went on the motor cycle of the petitioner from the hostel to the office of the petitioner, but it is to be noted that she went to the office of the petitioner on a statement made by the accused that the appointment order issued by Infosys was in the office. Therefore, it cannot be said that the informant gave consent to all the acts done by the petitioner. In view of the above, I am not inclined to grant bail to the petitioner.

Accordingly, the Criminal Petition is dismissed. Leaving it open to the petitioner to renew his request at an appropriate time before the trial Court.

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**JUSTICE C. PRAVEEN KUMAR**

27.01.2015
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