

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.10668 of 2015

ORDER:

This petition is filed under Section 438 of Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.268 of 2015 of Kachiguda Police Station, Hyderabad, registered for the offences punishable under Sections 354, 354-A and 506 IPC.

The case of the prosecution is that the defacto complainant and the accused are residents of the same locality at Kachiguda, Hyderabad, and that on 06.07.2015, when the de facto complainant went to the fruit market at Chaitanyapuri to purchase fruits, the accused followed her and misbehaved with her and abused in filthy language, upon which the defacto complainant lodged a complaint in Chaitanyapuri Police Station. Again on 17.09.2015, when the son of the de facto complainant went to his friend's house, the wife of the accused told him that if he comes again, she would blame him as a thief in the locality. Thereupon, the defacto complainant lodged the present complaint complaining about the repeated acts of the accused and she also stated that the accused once entered into her house in her absence and beat her daughter without any reason. On the strength of the same, the police registered the above crime against the petitioner.

The case of the petitioner is that the defacto complainant lodged a complaint against him earlier alleging similar offence punishable under Section 354 IPC, which is pending before the competent Court, and that it is not believable that the petitioner, who allegedly committed a similar offence earlier and facing criminal proceedings, would commit such offence again, that

apart, the husband of the defacto complainant borrowed amount from the petitioner and with a view to avoid repayment of the loan amount, the present complaint is lodged against the petitioner falsely.

The learned Public Prosecutor for the State of Telangana contended that the investigation is not yet completed and that some more witnesses are to be examined by the investigating agency and that there is every possibility of the petitioner interfering with further investigation in the event of his enlargement on pre-arrest bail.

No doubt, earlier a crime was registered against the petitioner upon the complaint lodged by the same complainant for his involvement in a similar offence and after completion of investigation, charge sheet was filed by the police authorities. However, that is no way concerned with the present incident, which took place on a different date, and the same cannot be a ground to contend that the defacto complainant has lodged the present complaint with false accusations. Further, the motive attributed to the defacto complainant that with a view to avoid repayment of loan, she foisted a false case against the petitioner, cannot be accepted as on today since motive is a double-edged weapon and it may be either way i.e. for the petitioner to commit the offence or for the defacto complainant to foist a false case. Therefore, at this stage, motive cannot be taken into account while considering the application filed under Section 438 Cr.P.C. Incase the petitioner is enlarged on pre-arrest bail, he may commit similar offence and interfere with investigation.

Considering the facts and circumstances of the case and taking into account the alleged involvement of the petitioner in a similar offence earlier, I am of the opinion that this is not a fit case

to grant pre-arrest bail to the petitioner at this stage.

Hence, the petition is dismissed.

M.SATYANARAYANA MURTHY, J

19.10.2015

Tk/IBL