

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.12130 of 2015

ORDER:

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This Criminal Petition is filed by the petitioner-Accused under Section 438 Cr.P.C. seeking to grant anticipatory bail to him in P.R.C.No.36 of 2009 on the file of the XVII Additional Chief Metropolitan Magistrate, Hyderabad.

The de facto complainant and the accused are close relatives and on 28.12.2008, the de facto complainant went along with the petitioner and the petitioner took her to the house of his sister and had sexual intercourse with her against her will and thereafter, the mother and sister of the petitioner abused her by saying that she is trapping the petitioner for the sake money. On that the de facto complainant attempted to commit suicide and she was admitted in hospital. On the basis of the statement of the de facto complainant, a case was registered against the petitioner for the offence under Section 376 IPC and subsequently, the petitioner married the complainant, lived with her for some time and left USA. Subsequently, the police filed the charge sheet. The petitioner came to know that NBWs were issued against him.

Heard and perused the material available on record.

Considering the facts and circumstances of the case, this Court is inclined to pass the following order:

The petitioner is directed to surrender before the Magistrate concerned and move an application seeking to recall NBWs issued against him and on such surrender and on such application being filed, the Magistrate concerned is directed to recall NBWs issued against the petitioner on the same day, and the petitioner shall be released on bail on his executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for the like sum each to the satisfaction of the Magistrate concerned. The petitioner is directed to appear before the Magistrate concerned as and when required.

Accordingly, the Criminal Petition is allowed.

JUSTICE RAJA ELANGO

Dated: 26.11.2015

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