

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 2156 of 2015

ORDER :

The petitioner, who is A-6 in Crime No. 315 of 2014 of Pahadisharief Police Station, Cyberabad, 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 448, 323, 354, 382, 506, 509 r/w Section 34 IPC.

The gist of the allegations made in the charge sheet is as under:

L.W.1 is a resident of Keshavagiri, Chandrayangutta, Hyderabad and L.W.2 is a friend of L.W.1. L.W.3, who is a watchman, was examined as an eyewitness to the incident, while L.Ws.4 to 8 were examined as circumstantial witnesses. A.1 is alleged to be the leader of the incident. A.2 to A.7 were his associates, while A.8 and A.9 harboured A.1 to A.7. On 31.07.2014 L.Ws.1, 2, 4, 6 and 7 went to a farm-house in two cars. After some time, all of them left the farm-house except L.Ws.1 and 2. On coming to know about the same, A.1 to A.7 criminally trespassed into the said farm-house, started beating L.Ws.1 and 2 and took photographs by removing their clothes. L.W.1 is a girl aged about 18 years while L.W.2, who is a student, aged about 18 years. A.1 to A.7 are alleged to have taken videos and photographs in their mobile phones and threatened L.Ws.1 and 2 of uploading them in face book. A.1 to A.4 are alleged to have sexually assaulted L.W.1. Further, A.1 to A.7 are alleged to have robbed gold chain, gold ring and cash of Rs.6,000/- from L.Ws.1 and 2 before leaving the scene. On 11.08.2014 the petitioner surrendered before the Court. On 28.08.2014 A.1 to A.9 were taken to police custody vide Court orders and were examined in the presence of L.Ws.15 and 16. After completing the investigation, the police filed a charge sheet.

The learned counsel for the petitioner submits that the petitioner is innocent of the offence alleged against him and a false case has been foisted against him. It is submitted that there is no specific allegations against the petitioner and there is no direct involvement of the petitioner in assaulting L.Ws.1 and 2. He further submits that the petitioner is in Jail since last six months and since investigation is completed he seeks bail.

The learned Public Prosecutor submits that having regard to the nature of the allegations made and the manner in which the incident took place, the petitioner does not deserve any relief. He further submits that A-8, who stands on much better footing than the petitioner, filed CrI.P.No. 412 of 2015 seeking bail, which was dismissed by this Court. The public prosecutor apprehends that there is every likelihood of the petitioner, who is a notorious criminal, tampering with the evidence, more particularly L.Ws.1 and 2 who are the victims in the crime.

A perusal of the averments in the charge sheet would show that A.1 to A.4 raped the victim girl by showing a live snake and threatened to upload the said pictures on face book with a view to defame them. Though the petitioner is not involved in commission of rape, but all the accused including the petitioner are alleged to have taken the videos and photographs of the victim girl in removing her clothes and later threatened to upload them. The averments in the report also disclose about the accused committing theft of gold chain, cash etc., before leaving the scene. Apart from that, the petitioner is also involved in another crime. Having regard to the said circumstances, I am not inclined to grant bail to the petitioner at this stage.

Accordingly, the Criminal Petition is dismissed. As the charge sheet is already filed, the learned Magistrate is directed to commit the case to the Court of Sessions forthwith and thereafter the learned Sessions Judge is advised to proceed with trial and dispose of the case at the earliest. The petitioner is at liberty to renew his request after examination of L.Ws.1 and 2.

JUSTICE C. PRAVEEN KUMAR

Dt: 20.03.2015

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