

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 3657 of 2015

ORDER :

The petitioners, who are accused Nos.7 and 8 in Crime No. 23 of 2015 of Edlapadu Police Station, Guntur District, filed the present application under Section 438 Cr.P.C. seeking release in the event of their arrest in connection with the above crime registered against them and others for the offences punishable under Section 376-D IPC and Section 67 of Information Technology Act.

The case of the prosecution is as under:

The informant lodged a report stating that she has two children and her husband is a painter. On 05.12.2014 at about 6.30 a.m. she went to a canal for washing clothes and later went towards a cotton field to answer calls of nature. Meanwhile, A.1 is alleged to have rushed to her, caught hold of her left hand and dragged her into the field. At the same time, A.2 is also alleged to have rushed there, caught hold of the neck of the informant with one hand, shut her mouth with the second hand and made her fall down. Then, A.1 is alleged to have beat the informant with a stick on her thighs and committed rape on her, while A.2 caught hold of her neck to prevent her from making noise. Thereafter, A.2 is alleged to have committed rape on the informant. While A.2 was committing rape on the informant, A.1 is alleged to have videographed the same through his cell phone. A.1 and A.2 are alleged to have threatened the informant to show the video to others and upload the same in the internet if the incident is disclosed to others. Due to fear, the informant kept quiet and did not attend the works for a week. While so, on 02.01.2015 when the informant was attending prayer at her house, A.2 uttered that A.1 gave the video of the incident to A.3 to upload the same in his mobile phone. On 23.01.2015 A.2 is alleged to have asked the informant to fulfil his lust otherwise he would show the video to the villagers. Thereafter, the informant informed about the incident to her husband and in-laws. On 30.01.2015 while the informant was returning from canal after washing clothes, A.3 and A.4 are alleged to have asked her to fulfil their sexual lust. On 05.02.2015 when the informant was passing through the elementary school in the village, A.5 and A.6 are alleged to have asked her to

fulfil their sexual lust. On 11.02.2015 A.7 to A.9, who were sitting on a pial at the house of A.8, are alleged to have demanded the informant to fulfil their sexual lust, failing which, they threatened to upload the video in internet. It is stated that due to fear, the informant went to her parents' house and informed about the incident to her parents and relatives. It is also alleged that on 18.02.2015 A.1 and A.2 behaved highhandedly with the husband of the informant and quarrelled with him. Basing on these allegations, the above report came to be lodged.

Learned counsel for the petitioners submits that the first information report and the remand report are silent as to the alleged role played by the petitioners in the commission of the offence and hence seeks anticipatory bail.

On the other hand, the learned Additional Public Prosecutor opposed the application contending that a reading of the case diary would disclose the role of the petitioners in the commission of the offence.

A perusal of the case diary, more particularly, the statement of L.W.1, would show that on 11.02.2015 A.7 to A.9, who were sitting on a pial of the house of A.8, are alleged to have demanded the informant to fulfil their lust, failing which they threatened to put in circulation the video of rape committed by A.2 on her. The petitioners are also alleged to have disclosed to the informant that A.1 sent the video to them. That being the allegation, it cannot be said that the petitioners are innocent of the offences alleged. Since the offence punishable under Section 67 of the Information Technology Act is punishable with imprisonment of 10 years and as the allegations made against the petitioners are grave and serious in nature, I am not inclined to consider their request.

Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

24th April, 2015

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