

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.2925 of 2015

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ORDER

The petitioner, who is A-1, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.200 of 2014 of Kodavalur Police Station, SPSR Nellore District, registered for the offences punishable under Sections 493, 313, 417, 506 r/w.34 IPC.

2. The case of the prosecution is as under:

The informant is a resident of Northrajupalem and while she was studying B.Sc Degree, the petitioner moved with her saying that he is in love with her. The petitioner enjoyed her sexually on the promise of marriage and got aborted her pregnancy without her consent. Later the petitioner disappeared by saying that his parents did not agree for their marriage. When she approached the parents of the petitioner, they abused the informant in filthy language and necked her out from the house. Basing on these allegations, the above crime came to be registered.

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

4. It is to be noted that the offence under Sections 417 and 506 IPC are bailable and Section 493 IPC may not be applicable to the case on hand. As seen from the record, the informant was forced to consume some medicine abortion pursuant to the promise made by the petitioner that he will marry her after getting aborted her pregnancy. Therefore, at this stage it cannot be said that the offence under 313 IPC is not made out.

5. Since the case is still at the stage of investigation, I am not inclined to grant anticipatory bail to the petitioner. However, the petitioner if so advised shall appear before the concerned Court and move an application for bail after giving notice to the Public Prosecutor, in such an event, the Court concerned shall deal with the same in accordance with law at the earliest.

6. With the above direction, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

15-04-2015

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