

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 50 of 2015

ORDER:

The petitioner, who is the sole accused, filed the present Criminal Petition under Sections 437 and 439 Cr.P.C. seeking enlargement on bail in Crime No.178 of 2014 of Gangavaram Police Station, registered for the offences punishable under Sections 376, 417 and 506 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

It is the case of the prosecution that the informant and the petitioner herein are relatives and since one year the petitioner induced the informant stating that he is in love with her and wanted to marry her. Believing the words and assurances given by the petitioner, the informant accompanied him to the sugarcane fields where he enjoyed her sexually. When the informant became pregnant by three months, the informant asked the petitioner to marry her, for which he told her not to inform any body about their affair and that he will take her to Bangalore and marry her. Later, he refused to marry her. As the petitioner refused to marry the informant, she informed the same to her parents. When they went and questioned the petitioner and wanted him to marry the informant, he is alleged to have stated that he is no way connected to the informant and that he is ready to pay a sum of Rs.35,000/- towards penalty. Basing on these allegations the above case came to be registered.

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

A perusal of the material placed before the Court would show that the request of the petitioner was rejected by this Court twice earlier. The first application was rejected on 12.12.2014, immediately thereafter another application was filed vide Criminal Petition

No.16176 of 2014 which was rejected on 31.12.2014. One of the reasons for rejection of the said application was that the learned Public Prosecutor made a representation that a petition filed for conducting DNA test is pending. The present application is filed stating that no such application is pending before the trial Court and as such, seeks release of the petitioner on bail. The learned Public Prosecutor on instructions submits that due to Pongal vacation, the prosecution could not file the application and the application for getting DNA test done is being filed today. Apart from that this Court while dismissing the application also found that a *prima facie* case is made out against the petitioner. As there are no changed circumstances warranting interference of this Court, I see no reasons to consider the request of the petitioner.

Accordingly, the Criminal Petition is dismissed.

C. PRAVEEN KUMAR, J

20.01.2015

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