

HONOURABLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL PETITION 3719 OF 2015

ORDER:

This is a petition seeking bail for the petitioner-accused No.1, who is alleged to have committed offences punishable under Sections 417, 420, 376 read with 34 IPC and Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, in crime No.79 of 2015 of Bhimunipatnam Police Station, Visakhapatnam District.

Heard both sides.

Perused the material on record.

The case of the prosecution, in brief, is as under:-

The *de facto* complainant, by name, Valisetty Cahndrakala, came to the Police Station and lodged a complaint stating that one Kanakala Tatha Rao (accused) used to follow her since 2012 saying that he is loving her and stalking her thereby harassing her. After some time, on his promise that he would marry her, she accepted his love. By making such promise, he enjoyed her sexually. Thereafter, the accused got employment as SPF Constable. After getting employment, he used to come to *de facto* complainant and enjoyed her sexually. After some time, the *de facto* complainant came to know that the marriage of the accused was fixed with his elder sister's daughter. When she asked about the same, the accused abused the *de facto* complainant in the name of her caste and replied that he would not marry her.

Learned counsel for the petitioner submits that the petitioner is a Police Constable and he is innocent person of the offence alleged against him and by using acquaintance with the petitioner, the *de facto* complainant foisted a false case against him. Learned Additional Public Prosecutor opposed the application.

Though the petitioner is working as a Police Constable, it makes no difference. Taking into consideration of the gravity of the offence, the manner in which it is committed and the surrounding facts and circumstances and the fact that investigation is still pending, it is not desirable to release the petitioner-accused on bail at this juncture. There are no merits in the petition and the same is liable to be dismissed.

Criminal Petition is, accordingly, dismissed.

M.S.K.JAISWAL, J

May 07, 2015.

KTL