

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.4032 of 2015

ORDER:

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The petitioner, who is an A1 in Crime No.121 of 2015 of Chaitanyapuri Police Station, Cyberabad, Ranga Reddy District, filed the present application under Sections 437 and 439 of the Code of the Criminal Procedure (Cr.P.C.), seeking enlargement on bail in the above crime registered for the offences punishable under Sections 417, 363, 384 and Section 376 of IPC.

The case of the prosecution is as under:

A1 is a real estate business man having two wives and three children through first wife. It is alleged that the second wife of the accused lodged a report against A1 which came to be registered as Crime No.5 of 2015 for an offence punishable under Section 498-A of IPC and A1 is facing trial in the said case. LW2 (victim), who is of unsound mind completed her B.Tech and was running boutique in the cellar portion of her house. A1 got himself introduced to LW2 through her father, who was also a real estate business man. After few days, A1 deliberately developed acquaintance with the victim. Knowing the mental inability of the victim and her financial status, A1 instigated her to marry him by making false representation stating that he is unmarried and financially sound. The same was not informed by the victim to her parents out of fear. It is alleged that on one occasion, A1 had sexual intercourse with the victim without her consent and was waiting for an opportunity to kidnap and marry her. Subsequently, on 27.02.2015, when LW1 left LW2 alone in the house, A1, A2, A3 and others forcibly took away LW2 towards Habsiguda in a Scorpio vehicle . At that time, A1 took the gold ornaments forcibly from LW2 and handed over the same to A3, who in turn handed it over to the close friend of A1 namely Shyamsunder. The said Shyamunder pledged the ornaments and deposited the amount in the account of A1. The accused took LW2 to Delhi, Chandigarh, Warangal, wherein, A1 is alleged to have had sexual intercourse with the victim. Finally when they reached Tirupati, A1 insisted her to marry him, but she refused the same. During their stay at Kerala, LW2 escaped from the clutches of the accused and reached Hyderabad on 11.03.2015 and then lodged the present report.

Heard learned counsel for the petitioner and the learned public prosecutor

appearing for the respondent-State.

Learned counsel for the petitioner submits that even accepting the allegations in the report to be true, ingredients constituting the offences alleged are not made out, as the informant had several opportunities to raise cries, attracting the attention of others.

On the other hand, learned Public Prosecutor opposed the application contending that the petitioner is involved in seven other cases and as such he does not deserve any relief. Apart from that, the investigation is still pending and there is every likelihood of tampering with the evidence and threatening the victim, if he is released on bail.

A perusal of the material placed before the Court would show that the investigation is still pending and CD file which is placed before the Court would show that the accused is involved in the following crimes:

1. Crime No.5 of 2015, registered for an offence punishable under Section 498-A of Women Police Station, Sarooranagar,
2. Crime No.970 of 2014, registered for the offences punishable under Sections 419, 420, 423, 506, 504 read with Section 34 of IPC of Vanasthalipuram Police Station,
3. Crime No.551 of 2014, registered for the offences punishable under Sections 447 and 427 IPC of Hayathnagar Police Station.
4. Crime No.475 of 2015, registered for the offences punishable under Sections 447 and 427 IPC of Hayathnagar Police Station.
5. Crime No.45 of 2014, registered for the offences punishable under Sections 447 and 427 IPC of Hayathnagar Police Station.
6. Crime No.911 of 2014, registered for the offences punishable under Sections 448, 427, 323, 354, 504 and 506 read with 34 IPC of L.B.Nagar Police Station.
7. Crime No.33 of 2015, registered under Section 174 of Cr.P.C. of Nagarjunasagar, Guntur District.

In all the cases, the investigation is still pending. Since the investigation is still pending and in view of the apprehension expressed by the learned Public Prosecutor with regard to tampering of evidence and threat to the witnesses, if the petitioner is released on bail, I am not inclined to grant bail to the petitioner at this stage.

Accordingly, the criminal petition is dismissed leaving it open to the petitioner to renew his request at an appropriate time.

As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE C. PRAVEEN KUMAR

01.05.2015
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THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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Dated 01.05.2015

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