

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.1577 of 2015

ORDER:

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The petitioner, who is A1 in Crime No.309 of 2014 of Nereducherla Police Station, Nalgonda District, filed the present application under Section 438 Cr.P.C., seeking release in the event of his arrest in connection with the above crime, registered for the offences punishable under Sections 417, 420 and 376 of IPC.

The case of the prosecution is that the marriage of the informant was fixed with A1 and betrothal ceremony was performed. At the time of betrothal ceremony, cash of Rs.1 lakh was given and agreed to give 0.20 guntas of land, 3 tulas of gold, one lakh cash and bike at the time of marriage. Taking advantage of the same, the petitioner is alleged to have enjoyed the informant sexually, later refused to marry her. Basing on these allegations, the present case came to be registered.

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

Learned counsel for the petitioner mainly submits that the petitioner is a student and even accepting the allegations in the report to be true, no offence under Section 376 of IPC is made out against the petitioner. He submits that the informant is major and since everything happened with the consent given by the informant, the petitioner cannot be said to have committed the alleged offences. Learned Public Prosecutor opposed the application contending that the consent was obtained by force which amounts to an offence under Section 376 of IPC.

A perusal of the averments in the first information report would disclose that the petitioner herein had physical relationship with the victim by making false promises of marriage and also threatened to kill the informant and kill himself, if she refused to have intercourse with him. On one occasion, the

petitioner is alleged to have forced her to have intercourse with him on a promise to marry her. Thereafter, the petitioner started refusing the informant. When the parents of the informant went to the accused, they were alleged to have demanded additional dowry of Rs.5,00,000/- to be given at the time of marriage.

From the above, it is clear that the consent, if any, was obtained by deceitful words which amounts to rape and it cannot be said that A1 has not committed the offences alleged.

In view of the above, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the criminal petition is disposed of making it clear that the observations made are only for the purpose of this Order and the same shall not influence the agency or the Court in any of its proceedings. It is needless to mention that the petitioner shall surrender and move for regular bail before the concerned Court after giving notice to the learned Public Prosecutor concerned, and in such an event, the same shall be dealt with at the earliest, in accordance with law.

JUSTICE C. PRAVEEN KUMAR

09.03.2015
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