

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

CRIMINAL PETITION NO.19 of 2015

ORDER :

The petitioner, who is the sole accused, filed the present application under Sections 437 & 439 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.690 of 2014 of Gajuwaka Police Station, Visakhapatnam District, registered for the offences punishable Sections 376 and 417 of IPC.

2. The case of prosecution in brief is that the defacto complainant submitted a report before Gajuwaka Police alleging that when she visited Araku in February 2013 along with her family members, she got acquaintance with the petitioner and petitioner obtained her phone number and later he used to talk with her through phone and that when complainant refused the calls made by petitioner, he traced the address and used to follow her wherever she would go on the pretext of loving her and when offer made by petitioner to marry, she refused. However on the threat of committing suicide, she reluctantly accepted the proposal by believing that the petitioner would marry her, and that she has surrendered herself physically and on a further suggestion given by petitioner, she came out of the family home. In his friend's house, by name Tarak, petitioner and complainant exchanged garlands and petitioner also tied mangalsutram and she starting living with petitioner. Later petitioner started demanding dowry for a sum of Rs.20 lakhs and only on payment of dowry he said he would accept her as wife. Alleging that petitioner was harassing her mentally and physically the above complaint came to be filed. Police registered the crime and took up investigation. During the course of investigation, petitioner was arrested.

3. Learned counsel for petitioner contends that false allegations are made against petitioner and the case is foisted on the petitioner with ill motive. He further submits that petitioner is an employee of Visakhapatnam Steel Plant and having come to know that petitioner is having employment, a false complaint is generated only to harass, humiliate and intimidate the petitioner.

4. Learned Public Prosecutor submits that the investigation is not completed.

5. Perused the material on record. As seen from the material on record and even according to the complainant, she was voluntarily living with the petitioner and the complainant was a major when she developed acquaintance with the petitioner. Complainant claims to have married petitioner. The petitioner is in judicial custody since 5-11-2014.

6. Having regard to the property of crime and fact that petitioner is an employee of Visakhapatnam Steel Plant and that he is in custody since 5-11-2014, I am inclined to grant bail to the petitioner on certain terms and conditions.

7. Accordingly, the Criminal Petition is allowed and the petitioner shall be released on bail on his executing personal bond for Rs.20,000/- (Rupees Twenty thousand only) with two sureties for a like sum each to the satisfaction of the III Additional Chief Metropolitan Magistrate, Gajuwaka, Visakhapatnam and on a further condition that he shall report before the Station House Officer, Gajuwaka Police Station, on every Sunday between 10.00 a.m. and 12.00 noon for a period of four weeks or till filing of charge sheet whichever is earlier.

JUSTICE P. NAVEEN RAO

Date : 13.01.2015
gvl