

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL PETITION No.1980 of 2015

ORDER:

The petitioner, who is the sole accused in Crime No.5 of 2015 of Munugode Police Station, Nalgonda District, filed the present application under Sections 437 and 439 Cr.P.C. seeking enlargement on bail in the above crime, registered for the offences punishable under Sections 417, 420, 376 and 306 IPC, Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

The case of the prosecution is that on 13.01.2015 at about 1.00 p.m. the informant by name Smt. Gaddam Yellamma, lodged a report, the contents of which are as under:

LWs.1 and 2 are resident of Chalmada (V) and belongs to Chindu by caste. They are having four daughters and one son. The deceased Gaddam Swaroopa, aged about 16 years is their younger daughter. LWs.3 and 4 are daughter and son of LWs.1 and 2. The accused is resident of Gujja Village, Narayanapur Mandal and belonged to Tenugu by caste. The accused is alleged to have taken 10 acres of land on lease and was cultivating cotton crop. The deceased used to attend labour work in the fields of the accused along with LWs.1 and others and they used to travel in the auto of LWs.7 and 8 for the said work. It is alleged that the accused, who is married and also having son and daughter, developed evil eye on the deceased and decided to enjoy her sexually under the guise of love, knowing that she is a minor girl. It is alleged that the petitioner induced the deceased with deceitful words and with a promise to marry her. The deceased believed him and moved with the accused closely. While the deceased was attending labour work, the accused sent her to his house on the plea of bringing water and empty bags, when the deceased went to the house of the accused, he is alleged to have followed her and had sexual intercourse with her whenever he had a chance. LWs.1 to 3 are alleged to have witnessed the accused and deceased moving closely and on more than

one occasion admonished the deceased of moving with a married person.

The averments in the remand report further discloses that during night time the accused visited Chalmada village in night hours participated in sexual intercourse with the deceased in bushes when she came out on the plea of answering calls of nature. Though LWs.1 and 2 prevented the deceased from attending the labour work, the accused managed to talk with the deceased over cell phone and make her come out so as to have sexual intercourse with her. On 11.01.2015 when the deceased asked the accused to marry her, the accused apart from denying to marry her made false allegation against her. When the deceased informed him that she would be ashamed in eye of villagers, if he refused to marry her, as everybody in the village knows to their relationship, the accused is alleged to have insulted her over phone stating that she developed illegal contacts with others and abetted commission of suicide. On 12.01.2015 in the morning hours when LWs.1 and 2 went to Canara Bank for paying loan amount and while LWs.3 went to labour work, the deceased, who was alone in the house got vexed with the life and committed suicide by consuming pesticide poison. Though the neighbours and younger brother of the deceased tried to save her life by administering tamarind mix water, but the deceased was dead by them. 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.

The main ground raised by the learned counsel for the petitioner is that the petitioner is sick and if he is detained in jail, there is every likelihood of his health getting damaged further.

In view of the representation made, the Superintendent of District Jail, Nalgonda, was directed to send a report with regard to the health condition of the petitioner. The Public Prosecutor placed on record the medical reports issued by Oxygen Hospital, L.B.Nagar and also the oral instructions received by him to the effect that the condition of the petitioner is stable and normal.

The Medical Certificates which are placed before the Court by the petitioner and also by the Public Prosecutor would show that much prior to the arrest, the petitioner had a scorpion sting, for which he was admitted in

Oxygen Hospital, L.B.Nagar on 03.01.2015 and was discharged from the hospital on 05.01.2015. The discharge summary disclosed that he was treated with IV fluids antibiotics, Inj. PPI, Analgesics, Antiallergics, Antiinflammatories, IV fluids and other supportive care. The petitioner improved symptomatically better and is being discharged at request in stable condition.

From the certificates placed by the Public Prosecutor, it is clear that the petitioner suffered an insect bite much prior to his arrest and he was discharged from the hospital after providing all the necessary medication. Therefore, the condition of the petitioner as on today appears to be quite stable and normal. Hence, the question of releasing the petitioner on medical grounds would not arise.

Coming to the merits of the case, the learned Public Prosecutor submits that the investigation is still pending and if the petitioner is released on bail, there is every likelihood of he tampering with the evidence.

As seen from the record, the averments in the remand report clearly disclose the accused and the deceased moved closely in the village, which was noticed by almost all the villagers including the parents of the deceased. Though LWs.1 and 2 prevented the deceased from attending the work in the land of the petitioner, the accused maintained in contact with the deceased through cell phone. The averments in the report further discloses that the petitioner used to take out participate in sexual intercourse by making the deceased to come out of the house on the pretext of answering calls of nature. When the deceased, who was minor, asked the accused to marry her, he not only refused to marry but started making allegations against the deceased, which lead to commission of suicide. Since the allegations made in the report are quite, grave and serious in nature and as the investigation is still pending, I am not inclined to grant bail to the petitioner at this stage.

Accordingly, the Criminal Petition is dismissed.

C. PRAVEEN KUMAR, J

01.04.2015

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