

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL PETITION No. 2124 of 2016

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ORDER:

The petitioner, who is A-6, filed the present application under Sections 437 and 439 Cr.P.C., seeking enlargement on bail in Crime No.315 of 2014 of Pahadisharif Police Station, Cyberabad, Ranga Reddy District, registered for the offences punishable under Sections 448, 323, 354, 382, 506, 501 read with 34 IPC.

The allegations in the charge-sheet are as under :

L.W.1 is a resident of Keshavagiri, Chandrayanagutta, Hyderabad and L.W.2 is a friend of L.W.1. L.W.3, who is a watchman, was examined as an eyewitness to the incident, while L.Ws.4 to 8 were examined as circumstantial witnesses. A-1 is alleged to be the leader of the incident. A-2 to A-7 were his associate, while A-8 and A-9 harboured A-1 to A-7. On 31.07.2014 L.Ws.1, 2, 4, 6 and 7 went to a farm-house in two cars. After sometime, all of them left the farm-house except L.Ws.1 and 2. On coming to know about the same, A-1 to A-7 criminally trespassed into the said farm-house, started beating L.Ws.1 and 2 and took photographs by removing their clothes. L.W.1 is a girl aged about 18 years while L.W.2, is a student, aged about 18 years. A-1 to A-7 are alleged to have taken videos and photographs in their mobile phones and threatened L.Ws.1 and 2 of uploading them in face book. A-1 to A-4 are alleged to have sexually assaulted L.W.1. Further, A-1 to A-7 are alleged to have robbed gold chain, gold ring and cash of Rs.6,000/- from L.Ws.1 and 2 before leaving the scene. On 11.08.2014 the petitioner surrendered before the court. On 28.08.2014 A-1 to A-9 were taken to police custody vide Court orders and were examined in the presence of L.Ws.15 and 16. After completing the investigation, the police filed a charge-sheet.

The learned counsel for the petitioner submits that since the

evidence of P.Ws.1 and 2 totally falsifies the prosecution case and having regard to the observations made by this Court in Crl.P.No.2156 of 2015 he submits that the petitioner is entitled for bail.

Learned Additional Public Prosecutor strongly opposed the application stating that the petitioner is involved another crime and if he is released on bail there is every likelihood of he committing the similar offence.

A perusal of the material on record would show that earlier on 20.03.2015 this Court in Crl.P.No.2156 of 2015 rejected the case of the petitioner, but however, advised the trial court to dispose of the trial at the earliest. The petitioner was given liberty to renew his request after examination of L.Ws.1 and 2. Subsequently the applications made by the petitioner for grant of bail were rejected. Learned Additional Public Prosecutor submits that the trial will be completed within a period of three weeks and if the petitioner is released on bail there is every likelihood of he tampering with the evidence. However, one fact which is to be noted is that on 18.01.2016 this Court granted regular bail to A-5 on certain terms and conditions vide in Crl.P.No.13797 of 2015, while rejecting the request of A-1 in Crl.P.No.402 of 2015.

A perusal of the order dated 20.03.2015 passed in Crl.P.No.2156 of 2015 shows that this Court while rejecting the request of the petitioner at that stage, gave him liberty to renew his request after examination of L.Ws.1 and 2. It is now brought to the notice of the court that as on 11.02.2016 nearly 23 witnesses are examined and the case is at the fag end of the trial and there is every likelihood of case being completed within no time. Learned Additional Public Prosecutor on instructions stated that within three to four weeks the entire process would be completed. The averments in the charge-sheet disclose that it was A-1 to A-4, who are alleged to have sexually assaulted L.W.1, insofar as this petitioner is concerned he along with other accused is alleged to have

robbed gold chain, cash of Rs.6,000/- from L.Ws.1 and 2 and also took photographs by removing their clothes. It may be true that during the course of trial victim gave certain inconsistent versions in the chief as well as in the cross-examination, but that itself would show the amount of threat and pressure under which she must have entered the box. Having regard to the circumstances and as the application for bail was rejected earlier, the request of the petitioner cannot be considered moreso when the principal accused are in Jail and as this accused is involved in another crime. However, if the trial is not completed within four to six weeks, the petitioner is at liberty to renew his request.

Accordingly, the Criminal Petition is disposed of.

JUSTICE C.PRAVEEN KUMAR

Date: 11.03.2016

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