

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.14066 of 2016

ORDER:

The petitioner, who is accused No.1, filed the present application under Sections 437 and 439 of the Code of the Criminal Procedure (Cr.P.C.), seeking enlargement on bail in crime No.377 of 2016 of Falaknuma Police Station, Hyderabad, registered for the offence punishable under Sections 450, 376, 323, 504, 506 and 354D IPC.

The case of the Prosecution is that on 02.08.2016 when the victim girl was in her house alone, A.1 is alleged to have went to her house, caught hold of her hands, dragged her inside of his house, pushed her on sofa. When she resisted forcibly, he hold her both legs, kissed on her face, lips and chest, forcibly put his penis in her mouth for twice and tried to assault her sexually. She pushed him aside, escaped from the place and closed the doors from inside. Thereafter she informed the incident to her brother by name Syed Pasha over phone. After sometime her cousin brother Mohd.Sadiq came and the victim narrated the incident to him. When A.1 was found going outside, Saidiq asked him to stay for some time, for which, A.1 picked up a quarrel with him. In the meanwhile the family members of A.1 and Sadiq gathered and a galata took place in which the father of Sadiq pushed A.1 due to which A.1 sustained injury to his head. Basing on these allegations, present report came to be lodged.

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

Learned counsel for the petitioner submits that even accepting the allegations made against the petitioner to be true, no offence is made out for the offence punishable under Section 376 IPC and also submits that the wife of A.1 is also alleged to have lodged a complaint, but no crime is registered. Learned Additional Public Prosecutor opposes the application and submits that investigation is still pending and if the petitioner is released on bail there is every likelihood of he tampering the evidence or threatening the witnesses.

As seen from the record, it is the version of the victim, who is aged about 17 years that A.1 sexually assaulted her. In the complaint, she specifically referred to the acts of A.1. Since investigation is still pending and having regard to the nature of allegations, I am not inclined to grant bail to the petitioner at this stage.

Hence, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

28.09.2016
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