

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.2924 OF 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Public Prosecutor for the respondent.

2. The present Criminal Petition under Sections 437 and 439 of Cr.P.C., is filed by the petitioner/accused seeking to enlarge him on bail in Crime No.579 of 2015 of III Town Police Station, Rajahmundry, East Godavari District, registered for the offences punishable under Sections 417, 376, 506, 348 and 312 read with Section 34 IPC, Section 3(l)(i) and (V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and Section 6 read with Section 5 of the Protection of Children from Sexual Offences Act, 2012.

3. The case of the prosecution is as under:

On 12.12.2015, a written report came to be lodged by one Chekka Lavanya, aged about 19 years stating that due to differences, her parents got separated and that her mother married another person because of which the informant discontinued her intermediate course. Thereafter, the informant used to work in Sri Vinayaka Suguna Brailar Chicken Centre, Quarry Market Centre, Rajahmundry, belonging to A-1 and used to stay in the shop during day and night time. Taking advantage of her loneliness and promising to marry her, A-1 is alleged to have had sexual intercourse with her. In May, 2014, when she became pregnant, A-1 is alleged to have told her to canvas that she got pregnancy through Md. Hafijulla, who used to work in the Chicken shop. At that time, the informant was forced to sign accepting the version. A-1 also threatened Md. Hafijulla in that regard. It is further alleged that A-1 promised the victim to provide money from Md. Hafijulla, but failed to do. It is alleged that even after getting her

pregnancy aborted, A-1 continued the physical relationship with her leading to pregnancy. Thereafter, A-1 again terminated her pregnancy. The averments in the report further show that A-1 took nude photographs of the informant and threatened her to show the same to all, if she does not listen to him. A-2, the father of A-1 on coming to know about the same started pressuring her to keep quiet. It is said that about ten days back, she came out from the clutches of the accused and lodged the present report.

4. Learned counsel for the petitioner mainly submits that even accepting the allegations in the report to be true, no offence is made out. It is the case of the petitioner that it was Md. Hafijulla who assaulted the informant and the blame is thrown on him.

5. Learned Public Prosecutor strongly opposes the application stating that the offences lodged are grave in nature and if the petitioner is released on bail, there is every likelihood of he tampering and prevailing upon the witnesses.

6. The statement of the victim which has been recorded by the police during the course of investigation reveal that due to financial difficulties, the mother of the informant joined her in Sri Vinayaka Suguna Brailar Chicken Centre, Quarry Market Centre, Rajahmundry, as Accountant and used to work from 6.00 A.M. to 8.00 P.M. and at 8.00 P.M. the victim used to go to her home, which is at Subbarao Nagar. The salary of the victim was Rs.3,000/- month and A-1 also used to offer meals to the victim. The victim further states that due to differences, her parents got separated and her mother married another person and started living with him. Not willing to join her mother, the informant with the permission of A-1 started staying in the Chicken shop only. Taking advantage of the same, A-1 promised to marry her and under the said promise, A-1 used to have intercourse with the victim, due to which she became pregnant. A-1 is alleged to have

forced the victim to say that she got pregnancy through Md. Hafijulla. A-1 got aborted the pregnancy twice and thereafter, demanded her to keep quiet, failing which he threatened to post nude photographs on the internet. When the victim reported about the same to A-2, who is the father of A-1, he supported A-1 and abused her by caste name and told her that A-1 would not marry her. About ten days back the victim is alleged to have escaped from the clutches of accused and lodged the present report.

7. From a reading of the statement of the victim, it is clear that the allegations made against the petitioner are quite serious and grave in nature. Apart from that, the statement of the victim would reveal that at the time of first assault, she was aged about 15 years. Even assuming for a moment that she was a consenting party, still it would be an offence under Section 376 IPC having regard to the age at the time of offence.

8. Having regard to the nature of allegations made and since the investigation is pending, I am not inclined to consider the request of the petitioner at this stage.

9. Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

Date: 22nd March, 2016

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