

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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CRIMINAL PETITION No.2641 OF 2016
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ORDER:

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

2. The present Criminal Petition came to be filed by the petitioner/A.1 under Section 438 Cr.P.C., seeking release in the event of his arrest in Crime No.11 of 2016 of Pamarru Police Station, East Godavari District, registered for the offences punishable under Sections 323, 420, 376-G read with 34 of the Indian Penal Code, 1860. Originally, a private complaint was filed by the informant and which was referred to the police under Section 156(3) Cr.P.C., to investigate into the matter.

3. The averments in the report would show that the husband of the informant died in a road accident in the year, 2005 and due to that, she got an insurance amount of Rs.4,00,000/-. The petitioner and A.2 with a common intention to cheat, made the informant believe that they will get her a job in Government department and accordingly, collected an amount of Rs.8,00,000/- . The accused persons are alleged to have demanded the informant to fulfil their sexual lust if her money is to be returned. The averments in the report further show that on 15.07.2009 both the accused had sexual intercourse with her. Basing on these allegations, the present case came to be registered.

4. Learned counsel for the petitioner mainly submits that even if the allegations in the report are accepted to be true, no offence

is made out against the petitioner. According to him, the petitioner, who is a General Secretary of INTUC, is implicated in a false case with a view to defame him in the society.

5. Learned Public Prosecutor strenuously opposed the petition contending that the averments alleged against the petitioner are serious in nature and the investigation is still in progress.

6. The contention of the learned counsel for the petitioner that since the petitioner is a member of INTUC, the informant has falsely implicated him in the present case cannot be accepted. A perusal of the material on record, more particularly the statement of LW.1/informant-victim would show that the petitioner and A.2 deceitfully collected an amount Rs.8,00,000/- from her and thereafter, when she demanded for the same, they are alleged to have demanded her to fulfil their lust. The statement further shows that on 24.08.2015 when the informant was alone in the house, A.2 went there and is alleged to have had sexual intercourse with her against her consent. The said statement of the victim also gets corroboration from the statement of LW.2.

7. Having regard to the nature of allegations made, I am not inclined to grant anticipatory bail to the petitioner. However, the petitioner shall surrender before the appropriate Court and move a bail application after giving prior notice to the Public Prosecutor, in which event, the same shall be dealt with in accordance with law at the earliest.

8. Accordingly, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

Date:01.04.2016

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