

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Criminal Petition No.15626 of 2016

ORDER:

This petition is filed under Sections 437 and 439 Cr.P.C., to enlarge the petitioner/ accused on bail in Cr.No.193 of 2016 of Razole PS, East Godavari District, registered for the offences punishable under Sections 376, 384, 509, 506(2) read with 34 of IPC.

The case of the prosecution is that on the intervening night of 17/ 18.09.2016, at about 1.30 a.m. the petitioner entered in to the house of the *de facto* complainant and forcibly committed rape on her and also committed theft of gold chain. Basing on the complaint lodged by the *de facto* complainant, the police registered the above case.

Learned counsel for the petitioner submitted that due to the disputes, the petitioner was falsely implicated in this case, that the petitioner was arrested on 27.09.2016 and since then he has been in judicial custody and hence, he may be enlarged on bail.

A perusal of the record reveals that the petitioner herein filed CrI.M.P.No.1280 of 2016 before the II Additional Sessions Judge, Amalapuram for grant of bail and the same was dismissed on 14.10.2016.

Learned Public Prosecutor, representing the State of Andhra Pradesh, submitted that the investigation is in progress and if the petitioner is released on bail, there is every chance to tamper the prosecution witnesses.

Whether the petitioner was falsely implicated in this case or not will come to light only after completion of the investigation. If this court

expresses any opinion, the same may cause prejudice to one of the parties to the proceedings.

Taking into consideration of the serious nature of the offences alleged to have been committed by the petitioner and also in view of the pendency of the investigation, I am of the considered view that it is not a fit case to grant bail to the petition.

Accordingly, the criminal petition is, dismissed.

T. SUNIL CHOWDARY, J

Date: 02.12.2016.
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